

107TH CONGRESS
1ST SESSION

S. 1165

To prevent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2001

Mr. BIDEN (for himself, Mr. KOHL, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Juvenile Crime Prevention and Control Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JUVENILE CRIME PREVENTION AND CONTROL

Sec. 101. Findings; declaration of purpose; definitions.

- Sec. 102. Juvenile crime control and prevention.
 Sec. 103. Juvenile offender accountability.
 Sec. 104. Extension of violent crime reduction trust fund.

TITLE II—PROTECTING CHILDREN FROM VIOLENCE

Subtitle A—Gun Show Background Checks

- Sec. 201. Short title.
 Sec. 202. Findings.
 Sec. 203. Extension of brady background checks to gun shows.

Subtitle B—Gun Ban for Dangerous Juvenile Offenders

- Sec. 211. Permanent prohibition on firearms transfers to or possession by dangerous juvenile offenders.

Subtitle C—Child Safety Locks

- Sec. 221. Short title.
 Sec. 222. Requirement of child handgun safety locks.
 Sec. 223. Amendment of consumer product safety act.

1 **TITLE I—JUVENILE CRIME** 2 **PREVENTION AND CONTROL**

3 **SEC. 101. FINDINGS; DECLARATION OF PURPOSE; DEFINI-** 4 **TIONS.**

5 Title I of the Juvenile Justice and Delinquency Pre-
 6 vention Act of 1974 (42 U.S.C. 5601 et seq.) is amended
 7 to read as follows:

8 **“TITLE I—FINDINGS AND** 9 **DECLARATION OF PURPOSE**

10 **“SEC. 101. FINDINGS.**

11 “Congress finds that—

12 “(1) the juvenile crime problem should be ad-
 13 dressed through a 2-track common sense approach
 14 that addresses the needs of individual juveniles and
 15 society at large by promoting—

16 “(A) quality prevention programs that—

1 “(i) work with juveniles, their fami-
2 lies, local public agencies, and community-
3 based organizations, and take into consid-
4 eration such factors as whether juveniles
5 have ever been the victims of family vio-
6 lence (including child abuse and neglect);
7 and

8 “(ii) are designed to reduce risks and
9 develop competencies in at-risk juveniles
10 that will prevent, and reduce the rate of,
11 violent delinquent behavior; and

12 “(B) programs that assist in holding juve-
13 niles accountable for their actions, including a
14 system of graduated sanctions to respond to
15 each delinquent act, requiring juveniles to make
16 restitution, or perform community service, for
17 the damage caused by their delinquent acts,
18 and methods for increasing victim satisfaction
19 with respect to the penalties imposed on juve-
20 niles for their acts; and

21 “(2) action is required now to reform the Fed-
22 eral juvenile justice program by focusing on juvenile
23 delinquency prevention programs, as well as pro-
24 grams that hold juveniles accountable for their acts.

1 **“SEC. 102. PURPOSES.**

2 “The purposes of this Act are—

3 “(1) to support State and local programs that
4 prevent juvenile involvement in delinquent behavior;

5 “(2) to assist State and local governments in
6 promoting public safety by encouraging account-
7 ability for acts of juvenile delinquency; and

8 “(3) to assist State and local governments in
9 addressing juvenile crime through the provision of
10 technical assistance, research, training, evaluation,
11 and the dissemination of information on effective
12 programs for combating juvenile delinquency.

13 **“SEC. 103. DEFINITIONS.**

14 “In this Act:

15 “(1) ADMINISTRATOR.—The term ‘Adminis-
16 trator’ means the Administrator of the Office of Ju-
17 venile Crime Control and Prevention, appointed in
18 accordance with section 201.

19 “(2) ADULT INMATE.—The term ‘adult inmate’
20 means an individual who—

21 “(A) has reached the age of full criminal
22 responsibility under applicable State law; and

23 “(B) has been arrested and is in custody
24 for, awaiting trial on, or convicted of criminal
25 charges.

1 “(3) BUREAU OF JUSTICE ASSISTANCE.—The
2 term ‘Bureau of Justice Assistance’ means the bu-
3 reau established by section 401 of title I of the Om-
4 nibus Crime Control and Safe Streets Act of 1968
5 (42 U.S.C. 3741).

6 “(4) BUREAU OF JUSTICE STATISTICS.—The
7 term ‘Bureau of Justice Statistics’ means the bu-
8 reau established by section 302(a) of title I of the
9 Omnibus Crime Control and Safe Streets Act of
10 1968 (42 U.S.C. 3732(a)).

11 “(5) COLLOCATED FACILITIES.—The term ‘col-
12 located facilities’ means facilities that are located in
13 the same building, or are part of a related complex
14 of buildings located on the same grounds.

15 “(6) COMBINATION.—The term ‘combination’
16 as applied to States or units of local government
17 means any grouping or joining together of States or
18 units of local government for the purpose of pre-
19 paring, developing, or implementing a juvenile crime
20 control and delinquency prevention plan.

21 “(7) COMMUNITY-BASED.—The term ‘commu-
22 nity-based’ facility, program, or service means a
23 small, open group home or other suitable place lo-
24 cated near the home or family of the juvenile and
25 programs of community supervision and service that

1 maintain community and consumer participation in
 2 the planning, operation, and evaluation of those pro-
 3 grams which may include, medical, educational, vo-
 4 cational, social, and psychological guidance, training,
 5 special education, counseling, alcoholism treatment,
 6 drug treatment, and other rehabilitative services.

7 “(8) COMPREHENSIVE AND COORDINATED SYS-
 8 TEM OF SERVICES.—The term ‘comprehensive and
 9 coordinated system of services’ means a system
 10 that—

11 “(A) ensures that services and funding for
 12 the prevention and treatment of juvenile delin-
 13 quency are consistent with policy goals of pre-
 14 serving families and providing appropriate serv-
 15 ices in the least restrictive environment so as to
 16 simultaneously protect juveniles and maintain
 17 public safety;

18 “(B) identifies, and intervenes early for
 19 the benefit of, young children who are at risk
 20 of developing emotional or behavioral problems
 21 because of physical or mental stress or abuse,
 22 and for the benefit of their families;

23 “(C) increases interagency collaboration
 24 and family involvement in the prevention and
 25 treatment of juvenile delinquency; and

1 “(D) encourages private and public part-
2 nerships in the delivery of services for the pre-
3 vention and treatment of juvenile delinquency.

4 “(9) CONSTRUCTION.—The term ‘construction’
5 means erection of new buildings or acquisition, ex-
6 pansion, remodeling, and alteration of existing build-
7 ings, and initial equipment of any such buildings, or
8 any combination of such activities (including archi-
9 tects’ fees but not the cost of acquisition of land for
10 buildings).

11 “(10) FEDERAL JUVENILE CRIME CONTROL,
12 PREVENTION, AND JUVENILE OFFENDER ACCOUNT-
13 ABILITY PROGRAM.—The term ‘Federal juvenile
14 crime control, prevention, and juvenile offender ac-
15 countability program’ means any Federal program a
16 primary objective of which is the prevention of juve-
17 nile crime or reduction of the incidence of arrest, the
18 commission of criminal acts or acts of delinquency,
19 violence, the use of alcohol or illegal drugs, or the
20 involvement in gangs among juveniles.

21 “(11) GENDER-SPECIFIC SERVICES.—The term
22 ‘gender-specific services’ means services designed to
23 address needs unique to the gender of the individual
24 to whom such services are provided.

1 “(12) GRADUATED SANCTIONS.—The term
2 ‘graduated sanctions’ means an accountability-based
3 juvenile justice system that protects the public, and
4 holds juvenile delinquents accountable for acts of de-
5 linquency by providing substantial and appropriate
6 sanctions that are graduated in such a manner as to
7 reflect (for each act of delinquency or offense) the
8 severity or repeated nature of that act or offense,
9 and in which there is sufficient flexibility to allow for
10 individualized sanctions and services suited to the
11 individual juvenile offender.

12 “(13) HOME-BASED ALTERNATIVE SERVICES.—
13 The term ‘home-based alternative services’ means
14 services provided to a juvenile in the home of the ju-
15 venile as an alternative to incarcerating the juvenile,
16 and includes home detention.

17 “(14) INDIAN TRIBE.—The term ‘Indian tribe’
18 means any Indian tribe, band, nation, or other orga-
19 nized group or community, including any Alaska Na-
20 tive village or regional or village corporation as de-
21 fined in or established pursuant to the Alaska Na-
22 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
23 that is recognized as eligible for the special pro-
24 grams and services provided by the United States to
25 Indians because of their status as Indians.

1 “(15) JUVENILE.—The term ‘juvenile’ means a
 2 person who has not attained the age of 18 years and
 3 who is subject to delinquency proceedings under ap-
 4 plicable State law.

5 “(16) JUVENILE POPULATION.—The term ‘ju-
 6 venile population’ means the population of a State
 7 under 18 years of age.

8 “(17) JAIL OR LOCKUP FOR ADULTS.—The
 9 term ‘jail or lockup for adults’ means a locked facil-
 10 ity that is used by a State, unit of local government,
 11 or any law enforcement authority to detain or con-
 12 fine adults—

13 “(A) pending the filing of a charge of vio-
 14 lating a criminal law;

15 “(B) who are awaiting trial on a criminal
 16 charge; or

17 “(C) who are convicted of violating a
 18 criminal law.

19 “(18) JUVENILE DELINQUENCY PROGRAM.—
 20 The term ‘juvenile delinquency program’ means any
 21 program or activity related to juvenile delinquency
 22 prevention, control, diversion, treatment, rehabilita-
 23 tion, planning, education, training, and research,
 24 including—

25 “(A) drug and alcohol abuse programs;

1 “(B) any program or activity that is de-
 2 signed to improve the juvenile justice system;
 3 and

4 “(C) any program or activity that is de-
 5 signed to reduce known risk factors for juvenile
 6 delinquent behavior, by providing activities that
 7 build on protective factors for, and develop com-
 8 petencies in, juveniles to prevent and reduce the
 9 rate of juvenile delinquent behavior.

10 “(19) LAW ENFORCEMENT AND CRIMINAL JUS-
 11 TICE.—The term ‘law enforcement and criminal jus-
 12 tice’ means any activity pertaining to crime preven-
 13 tion, control, or reduction or the enforcement of the
 14 criminal law, including police efforts to prevent, con-
 15 trol, or reduce crime or to apprehend criminals, ac-
 16 tivities of courts having criminal jurisdiction and re-
 17 lated agencies (including prosecutorial and defender
 18 services), activities of corrections, probation, or pa-
 19 role authorities, and programs relating to the pre-
 20 vention, control, or reduction of juvenile delinquency
 21 or narcotic addiction.

22 “(20) NATIONAL INSTITUTE OF JUSTICE.—The
 23 term ‘National Institute of Justice’ means the insti-
 24 tute established by section 201 of title I of the Om-

1 nibus Crime Control and Safe Streets Act of 1968
2 (42 U.S.C. 3721).

3 “(21) NONPROFIT ORGANIZATION.—The term
4 ‘nonprofit organization’ means an organization de-
5 scribed in section 501(c)(3) of the Internal Revenue
6 Code of 1986 that is exempt from taxation under
7 section 501(a) of the Internal Revenue Code of
8 1986.

9 “(22) OFFICE.—The term ‘Office’ means the
10 Office of Juvenile Crime Control and Prevention es-
11 tablished under section 201.

12 “(23) OFFICE OF JUSTICE PROGRAMS.—The
13 term ‘Office of Justice Programs’ means the office
14 established by section 101 of title I of the Omnibus
15 Crime Control and Safe Streets Act of 1968 (42
16 U.S.C. 3711).

17 “(24) OUTCOME OBJECTIVE.—The term ‘out-
18 come objective’ means an objective that relates to
19 the impact of a program or initiative, that measures
20 the reduction of high risk behaviors, such as inci-
21 dence of arrest, the commission of criminal acts or
22 acts of delinquency, failure in school, violence, the
23 use of alcohol or illegal drugs, involvement in youth
24 gangs, violent and unlawful acts of animal cruelty,

1 and teenage pregnancy, among youth in the commu-
2 nity.

3 “(25) PROCESS OBJECTIVE.—The term ‘process
4 objective’ means an objective that relates to the
5 manner in which a program or initiative is carried
6 out, including—

7 “(A) an objective relating to the degree to
8 which the program or initiative is reaching the
9 target population; and

10 “(B) an objective relating to the degree to
11 which the program or initiative addresses
12 known risk factors for youth problem behaviors
13 and incorporates activities that inhibit the be-
14 haviors and that build on protective factors for
15 youth.

16 “(26) PROHIBITED PHYSICAL CONTACT.—The
17 term ‘prohibited physical contact’ means—

18 “(A) any physical contact between a juve-
19 nile and an adult inmate; and

20 “(B) proximity that provides an oppor-
21 tunity for physical contact between a juvenile
22 and an adult inmate.

23 “(27) RELATED COMPLEX OF BUILDINGS.—The
24 term ‘related complex of buildings’ means 2 or more
25 buildings that share—

1 “(A) physical features, such as walls and
2 fences, or services beyond mechanical services
3 (heating, air conditioning, water and sewer); or

4 “(B) the specialized services that are al-
5 lowable under section 31.303(e)(3)(i)(C)(3) of
6 title 28, Code of Federal Regulations, as in ef-
7 fect on December 10, 1996.

8 “(28) SECURE CORRECTIONAL FACILITY.—The
9 term ‘secure correctional facility’ means any public
10 or private residential facility that—

11 “(A) includes construction fixtures de-
12 signed to physically restrict the movements and
13 activities of juveniles or other individuals held
14 in lawful custody in such facility; and

15 “(B) is used for the placement, after adju-
16 dication and disposition, of any juvenile who
17 has been adjudicated as having committed an
18 offense or any other individual convicted of a
19 criminal offense.

20 “(29) SECURE DETENTION FACILITY.—The
21 term ‘secure detention facility’ means any public or
22 private residential facility that—

23 “(A) includes construction fixtures de-
24 signed to physically restrict the movements and

1 activities of juveniles or other individuals held
2 in lawful custody in such facility; and

3 “(B) is used for the temporary placement
4 of any juvenile who is accused of having com-
5 mitted an offense or of any other individual ac-
6 cused of having committed a criminal offense.

7 “(30) SERIOUS CRIME.—The term ‘serious
8 crime’ means criminal homicide, rape or other sex
9 offenses punishable as a felony, mayhem, kidnapp-
10 ing, aggravated assault, drug trafficking, robbery,
11 larceny or theft punishable as a felony, motor vehicle
12 theft, burglary or breaking and entering, extortion
13 accompanied by threats of violence, and arson pun-
14 ishable as a felony.

15 “(31) STATE.—The term ‘State’ means each of
16 the several States of the United States, the District
17 of Columbia, the Commonwealth of Puerto Rico, the
18 Virgin Islands, Guam, American Samoa, and the
19 Commonwealth of the Northern Mariana Islands.

20 “(32) STATE OFFICE.—The term ‘State office’
21 means an office designated by the chief executive of-
22 ficer of a State to carry out this title, as provided
23 in section 507 of the Omnibus Crime Control and
24 Safe Streets Act of 1968 (42 U.S.C. 3757).

1 “(33) SUSTAINED ORAL AND VISUAL CON-
2 TACT.—The term ‘sustained oral and visual contact’
3 means the imparting or interchange of speech by or
4 between an adult inmate and a juvenile, or clear vis-
5 ual contact between an adult inmate and a juvenile
6 in close proximity.

7 “(34) TREATMENT.—The term ‘treatment’ in-
8 cludes medical and other rehabilitative services de-
9 signed to protect the public, including any services
10 designed to benefit addicts and other users by—

11 “(A) eliminating their dependence on alco-
12 hol or other addictive or nonaddictive drugs; or

13 “(B) controlling or reducing their depend-
14 ence and susceptibility to addiction or use.

15 “(35) UNIT OF LOCAL GOVERNMENT.—The
16 term ‘unit of local government’ means—

17 “(A) any city, county, township, town, bor-
18 ough, parish, village, or other general purpose
19 political subdivision of a State;

20 “(B) any law enforcement district or judi-
21 cial enforcement district that—

22 “(i) is established under applicable
23 State law; and

1 “(ii) has the authority to, in a manner
 2 independent of other State entities, estab-
 3 lish a budget and raise revenues;

4 “(C) an Indian tribe that performs law en-
 5 forcement functions, as determined by the Sec-
 6 retary of the Interior; or

7 “(D) for the purposes of assistance eligi-
 8 bility, any agency of the government of the Dis-
 9 trict of Columbia or the Federal Government
 10 that performs law enforcement functions in and
 11 for—

12 “(i) the District of Columbia; or

13 “(ii) any Trust Territory of the
 14 United States.

15 “(36) VALID COURT ORDER.—The term ‘valid
 16 court order’ means a court order given by a juvenile
 17 court judge to a juvenile—

18 “(A) who was brought before the court and
 19 made subject to the order; and

20 “(B) who received, before the issuance of
 21 the order, the full due process rights guaran-
 22 teed to that juvenile by the Constitution of the
 23 United States.

24 “(37) VIOLENT CRIME.—The term ‘violent
 25 crime’ means—

1 “(A) murder or nonnegligent man-
2 slaughter, forcible rape, or robbery; and

3 “(B) aggravated assault committed with
4 the use of a firearm.

5 “(38) YOUTH.—The term ‘youth’ means an in-
6 dividual who is not less than 6 years of age and not
7 more than 17 years of age.”.

8 **SEC. 102. JUVENILE CRIME CONTROL AND PREVENTION.**

9 (a) IN GENERAL.—Title II of the Juvenile Justice
10 and Delinquency Prevention Act of 1974 (42 U.S.C. 5611
11 et seq.) is amended to read as follows:

12 **“TITLE II—JUVENILE CRIME**
13 **PREVENTION AND CONTROL**
14 **“PART A—OFFICE OF JUVENILE CRIME CONTROL**
15 **AND PREVENTION**

16 **“SEC. 201. ESTABLISHMENT OF OFFICE.**

17 “(a) IN GENERAL.—There is established in the De-
18 partment of Justice, under the general authority of the
19 Attorney General, an Office of Juvenile Crime Control and
20 Prevention.

21 “(b) ADMINISTRATOR.—

22 “(1) IN GENERAL.—The Office shall be headed
23 by an Administrator, who shall be appointed by the
24 President, by and with the advice and consent of the
25 Senate, from among individuals who have had expe-

1 rience in juvenile delinquency prevention and crime
2 control programs.

3 “(2) REGULATIONS.—The Administrator may
4 prescribe regulations consistent with this Act to
5 award, administer, modify, extend, terminate, mon-
6 itor, evaluate, reject, or deny all grants and con-
7 tracts from, and applications for, amounts made
8 available under this title.

9 “(3) RELATIONSHIP TO ATTORNEY GENERAL.—
10 The Administrator shall have the same reporting re-
11 lationship with the Attorney General as the directors
12 of other offices and bureaus within the Office of
13 Justice Programs have with the Attorney General.

14 “(c) DEPUTY ADMINISTRATOR.—There shall be in
15 the Office a Deputy Administrator, who shall—

16 “(1) be appointed by the Attorney General; and

17 “(2) perform such functions as the Adminis-
18 trator may assign or delegate and shall act as the
19 Administrator during the absence or disability of the
20 Administrator.

21 “(d) ASSOCIATE ADMINISTRATOR.—

22 “(1) IN GENERAL.—There shall be in the Office
23 an Associate Administrator, who shall be appointed
24 by the Administrator, and whose position shall be
25 treated as a career reserved position within the

1 meaning of section 3132 of title 5, United States
2 Code.

3 “(2) DUTIES.—The duties of the Associate Ad-
4 ministrator shall include informing Congress, other
5 Federal agencies, outside organizations, and State
6 and local government officials about activities car-
7 ried out by the Office.

8 “(e) DELEGATION AND ASSIGNMENT.—

9 “(1) IN GENERAL.—Except as otherwise ex-
10 pressly prohibited by law or otherwise provided by
11 this title, the Administrator may—

12 “(A) delegate any of the functions of the
13 Administrator, and any function transferred or
14 granted to the Administrator after the date of
15 enactment of the Juvenile Crime Prevention
16 and Control Act of 2001, to such officers and
17 employees of the Office as the Administrator
18 may designate; and

19 “(B) authorize successive redelegations of
20 such functions as may be necessary or appro-
21 priate.

22 “(2) RESPONSIBILITY.—No delegation of func-
23 tions by the Administrator under this subsection or
24 under any other provision of this title shall relieve

1 the Administrator of responsibility for the adminis-
2 tration of such functions.

3 “(f) REORGANIZATION.—The Administrator may al-
4 locate or reallocate any function transferred among the
5 officers of the Office, and establish, consolidate, alter, or
6 discontinue such organizational entities in that Office as
7 may be necessary or appropriate.

8 **“SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS,**
9 **AND CONSULTANTS.**

10 “(a) IN GENERAL.—The Administrator may select,
11 employ, and fix the compensation of officers and employ-
12 ees, including attorneys, who are necessary to perform the
13 functions vested in the Administrator and to prescribe the
14 functions of those officers and employees.

15 “(b) OFFICERS.—The Administrator may select, ap-
16 point, and employ not to exceed 4 officers and to fix the
17 compensation of those officers at rates not to exceed the
18 maximum rate payable under section 5376 of title 5,
19 United States Code.

20 “(c) DETAIL OF FEDERAL PERSONNEL.—Upon the
21 request of the Administrator, the head of any Federal
22 agency may detail, on a reimbursable basis, any of its per-
23 sonnel to the Administrator to assist the Administrator
24 in carrying out the functions of the Administrator under
25 this title.

1 “(d) SERVICES.—The Administrator may obtain
2 services as authorized by section 3109 of title 5, United
3 States Code, at rates not to exceed the rate now or here-
4 after payable under section 5376 of title 5, United States
5 Code.

6 **“SEC. 203. NATIONAL PROGRAM.**

7 “(a) NATIONAL JUVENILE CRIME CONTROL, PRE-
8 VENTION, AND JUVENILE OFFENDER ACCOUNTABILITY
9 PLAN.—

10 “(1) IN GENERAL.—Subject to the general au-
11 thority of the Attorney General, the Administrator
12 shall develop objectives, priorities, and short- and
13 long-term plans, and shall implement overall policy
14 and a strategy to carry out those plans, for all Fed-
15 eral juvenile crime control, prevention, and juvenile
16 offender accountability programs and activities relat-
17 ing to improving juvenile crime control, the rehabili-
18 tation of juvenile offenders, the prevention of juve-
19 nile crime, and the enhancement of accountability by
20 offenders within the juvenile justice system in the
21 United States.

22 “(2) CONTENTS OF PLANS.—

23 “(A) IN GENERAL.—Each plan described
24 in paragraph (1) shall—

1 “(i) contain specific, measurable goals
2 and criteria for reducing the incidence of
3 crime and delinquency among juveniles,
4 improving juvenile crime control, and en-
5 suring accountability by offenders within
6 the juvenile justice system in the United
7 States, and shall include criteria for any
8 discretionary grants and contracts, for con-
9 ducting research, and for carrying out
10 other activities under this title;

11 “(ii) provide for coordinating the ad-
12 ministration of programs and activities
13 under this title with the administration of
14 all other Federal juvenile crime control,
15 prevention, and juvenile offender account-
16 ability programs and activities, including
17 proposals for joint funding to be coordi-
18 nated by the Administrator;

19 “(iii) provide a detailed summary and
20 analysis of the most recent data available
21 regarding the number of juveniles taken
22 into custody, the rate at which juveniles
23 are taken into custody, the time served by
24 juveniles in custody, and the trends dem-
25 onstrated by such data;

1 “(iv) provide a description of the ac-
2 tivities for which amounts are expended
3 under this title;

4 “(v) provide specific information relat-
5 ing to the attainment of goals set forth in
6 the plan, including specific, measurable
7 standards for assessing progress toward
8 national juvenile crime reduction and juve-
9 nile offender accountability goals; and

10 “(vi) provide for the coordination of
11 Federal, State, and local initiatives for the
12 reduction of youth crime, preventing delin-
13 quency, and ensuring accountability for ju-
14 venile offenders.

15 “(B) SUMMARY AND ANALYSIS.—Each
16 summary and analysis under subparagraph
17 (A)(iii) shall set out the information required by
18 clauses (i), (ii), and (iii) of this subparagraph
19 separately for juvenile nonoffenders, juvenile
20 status offenders, and other juvenile offenders,
21 and shall separately address with respect to
22 each category of juveniles specified—

23 “(i) the types of offenses with which
24 the juveniles are charged;

25 “(ii) the ages of the juveniles;

1 “(iii) the types of facilities used to
2 hold the juveniles (including juveniles
3 treated as adults for purposes of prosecu-
4 tion) in custody, including secure detention
5 facilities, secure correctional facilities, jails,
6 and lockups;

7 “(iv) the length of time served by ju-
8 veniles in custody; and

9 “(v) the number of juveniles who died
10 or who suffered serious bodily injury while
11 in custody and the circumstances under
12 which each juvenile died or suffered that
13 injury.

14 “(C) DEFINITION OF SERIOUS BODILY IN-
15 JURY.—In this paragraph, the term ‘serious
16 bodily injury’ means bodily injury involving ex-
17 treme physical pain or the impairment of a
18 function of a bodily member, organ, or mental
19 faculty that requires medical intervention such
20 as surgery, hospitalization, or physical rehabili-
21 tation.

22 “(3) ANNUAL REVIEW.—The Administrator
23 shall annually—

24 “(A) review each plan submitted under this
25 subsection;

1 “(B) revise the plans, as the Administrator
2 considers appropriate; and

3 “(C) not later than March 1 of each year,
4 present the plans to the Committee on the Ju-
5 diciary of the Senate and the Committee on
6 Education and the Workforce of the House of
7 Representatives.

8 “(b) DUTIES OF ADMINISTRATOR.—In carrying out
9 this title, the Administrator shall—

10 “(1) advise the President through the Attorney
11 General as to all matters relating to federally as-
12 sisted juvenile crime control, prevention, and juvenile
13 offender accountability programs, and Federal poli-
14 cies regarding juvenile crime and justice, including
15 policies relating to juveniles prosecuted or adju-
16 dicated in the Federal courts;

17 “(2) implement and coordinate Federal juvenile
18 crime control, prevention, and juvenile offender ac-
19 countability programs and activities among Federal
20 departments and agencies and between such pro-
21 grams and activities and other Federal programs
22 and activities that the Administrator determines
23 may have an important bearing on the success of the
24 entire national juvenile crime control, prevention,
25 and juvenile offender accountability effort including,

1 in consultation with the Director of the Office of
2 Management and Budget listing annually those pro-
3 grams to be considered Federal juvenile crime con-
4 trol, prevention, and juvenile accountability pro-
5 grams for the following fiscal year;

6 “(3) serve as a single point of contact for
7 States, units of local government, and private enti-
8 ties for purposes of providing information relating to
9 Federal juvenile delinquency programs or for refer-
10 ral to other agencies or departments that operate
11 such programs;

12 “(4) provide for the auditing of grants provided
13 pursuant to this title;

14 “(5) collect, prepare, and disseminate useful
15 data regarding the prevention, correction, and con-
16 trol of juvenile crime and delinquency, and issue, not
17 less than once each calendar year, a report on suc-
18 cessful programs and juvenile crime reduction meth-
19 ods utilized by States, localities, and private entities;

20 “(6) ensure the performance of comprehensive
21 rigorous independent scientific evaluations, each of
22 which shall—

23 “(A) be independent in nature, and shall
24 employ rigorous and scientifically valid stand-
25 ards and methodologies; and

1 “(B) include measures of outcome and
2 process objectives, such as reductions in juve-
3 nile crime, youth gang activity, youth substance
4 abuse, and other high risk factors, as well as in-
5 creases in protective factors that reduce the
6 likelihood of delinquency and criminal behavior;

7 “(7) consult with appropriate authorities in the
8 States and with appropriate private entities regard-
9 ing the development, review, and revision of the
10 plans required by subsection (a) and the develop-
11 ment of policies relating to juveniles prosecuted or
12 adjudicated in the Federal courts;

13 “(8) provide technical assistance to the States,
14 units of local government, and private entities in im-
15 plementing programs funded by grants under this
16 title;

17 “(9) provide technical and financial assistance
18 to an organization composed of member representa-
19 tives of the State advisory groups appointed under
20 section 222(b)(2) to carry out activities under this
21 paragraph, if that organization agrees to carry out
22 activities that include—

23 “(A) conducting an annual conference of
24 the member representatives for purposes relat-

1 ing to the activities of the State advisory
2 groups;

3 “(B) disseminating information, data,
4 standards, advanced techniques, and programs
5 models developed through the Institute and
6 through programs funded under section 241;
7 and

8 “(C) advising the Administrator with re-
9 spect to particular functions or aspects of the
10 work of the Office; and

11 “(10) provide technical and financial assistance
12 to an eligible organization composed of member rep-
13 resentatives of the State advisory groups appointed
14 under section 222(b)(2) to assist that eligible orga-
15 nization in—

16 “(A) conducting an annual conference of
17 member representatives of the State advisory
18 groups for purposes relating to the activities of
19 those groups; and

20 “(B) disseminating information, data,
21 standards, advanced techniques, and program
22 models developed through the Institute and
23 through programs funded under section 241.

24 “(c) UTILIZATION OF SERVICES AND FACILITIES OF
25 OTHER AGENCIES; REIMBURSEMENT.—The Adminis-

1 trator, through the general authority of the Attorney Gen-
 2 eral, may utilize the services and facilities of any agency
 3 of the Federal Government and of any other public agency
 4 or institution in accordance with appropriate agreements,
 5 and to pay for such services either in advance or by way
 6 of reimbursement as may be agreed upon.

7 “(d) COORDINATION OF FUNCTIONS OF ADMINIS-
 8 TRATOR AND SECRETARY OF HEALTH AND HUMAN SERV-
 9 ICES.—All functions of the Administrator shall be coordi-
 10 nated as appropriate with the functions of the Secretary
 11 of Health and Human Services under title III.

12 “(e) ANNUAL JUVENILE DELINQUENCY DEVELOP-
 13 MENT STATEMENTS.—

14 “(1) IN GENERAL.—Each Federal agency that
 15 administers a Federal juvenile crime control, preven-
 16 tion, and juvenile offender accountability program
 17 shall annually submit to the Administrator a juvenile
 18 crime control, prevention, and juvenile offender ac-
 19 countability development statement.

20 “(2) CONTENTS.—Each development statement
 21 submitted under paragraph (1) shall contain such
 22 information, data, and analyses as the Administrator
 23 may require and shall include an analysis of the ex-
 24 tent to which the program of the Federal agency
 25 submitting such development statement conforms

1 with and furthers Federal juvenile crime control,
2 prevention, and juvenile offender accountability, pre-
3 vention, and treatment goals and policies.

4 “(3) REVIEW AND COMMENT.—

5 “(A) IN GENERAL.—The Administrator
6 shall review and comment upon each juvenile
7 crime control, prevention, and juvenile offender
8 accountability development statement trans-
9 mitted to the Administrator under paragraph
10 (1).

11 “(B) INCLUSION IN OTHER DOCUMENTA-
12 TION.—The development statement transmitted
13 under paragraph (1), together with the com-
14 ments of the Administrator under subparagraph
15 (A), shall be—

16 “(i) included by the Federal agency
17 involved in every recommendation or re-
18 quest made by such agency for Federal
19 legislation that significantly affects juvenile
20 crime control, prevention, and juvenile of-
21 fender accountability; and

22 “(ii) made available for promulgation
23 to and use by State and local government
24 officials, and by nonprofit organizations in-
25 volved in delinquency prevention programs.

1 “(f) JOINT FUNDING.—Notwithstanding any other
 2 provision of law, if funds are made available by more than
 3 1 Federal agency to be used by any agency, organization,
 4 institution, or individual to carry out a Federal juvenile
 5 crime control, prevention, or juvenile offender account-
 6 ability program or activity—

7 “(1) any 1 of the Federal agencies providing
 8 funds may be requested by the Administrator to act
 9 for all in administering the funds advanced; and

10 “(2) a single non-Federal share requirement
 11 may be established according to the proportion of
 12 funds advanced by each Federal agency, and the Ad-
 13 ministrator may order any such Federal agency to
 14 waive any technical grant or contract requirement
 15 (as defined in those regulations) that is inconsistent
 16 with the similar requirement of the administering
 17 agency or that the administering agency does not
 18 impose.

19 **“SEC. 204. COMMUNITY PREVENTION GRANT PROGRAM.**

20 “(a) PURPOSES.—The Administrator may make
 21 grants to a State, to be transmitted through the State ad-
 22 visory group to units of local government that meet the
 23 requirements of subsection (b), for delinquency prevention
 24 programs and activities for youth who have had contact
 25 with the juvenile justice system or who are likely to have

1 contact with the juvenile justice system, including the pro-
 2 vision to children, youth, and families of—

3 “(1) recreation services;

4 “(2) tutoring and remedial education;

5 “(3) assistance in the development of work
 6 awareness skills;

7 “(4) child and adolescent health and mental
 8 health services;

9 “(5) alcohol and substance abuse prevention
 10 services;

11 “(6) leadership development activities; and

12 “(7) the teaching that people are and should be
 13 held accountable for their actions.

14 “(b) ELIGIBILITY.—The requirements of this sub-
 15 section are met with respect to a unit of general local gov-
 16 ernment if—

17 “(1) the unit is in compliance with the require-
 18 ments of part B of title II;

19 “(2) the unit has submitted to the State advi-
 20 sory group a 3-year plan outlining the local front
 21 end plans of the unit for investment for delinquency
 22 prevention and early intervention activities;

23 “(3) the unit has included in its application to
 24 the Administrator for formula grant funds a sum-
 25 mary of the 3-year plan described in paragraph (2);

1 “(4) pursuant to its 3-year plan, the unit has
2 appointed a local policy board of no fewer than 15
3 and no more than 21 members with balanced rep-
4 resentation of public agencies and private, nonprofit
5 organizations serving children, youth, and families
6 and business and industry;

7 “(5) the unit has, in order to aid in the preven-
8 tion of delinquency, included in its application a plan
9 for the coordination of services to at-risk youth and
10 their families, including such programs as nutrition,
11 energy assistance, and housing;

12 “(6) the local policy board is empowered to
13 make all recommendations for distribution of funds
14 and evaluation of activities funded under this title;
15 and

16 “(7) the unit or State has agreed to provide a
17 50 percent match of the amount of the grant, in-
18 cluding the value of in-kind contributions, to fund
19 the activity.

20 “(c) PRIORITY.—In considering grant application
21 under this section, the Administrator shall give priority
22 to applicants that demonstrate ability in—

23 “(1) plans for service and agency coordination
24 and collaboration including the collocation of serv-
25 ices;

1 “(2) innovative ways to involve the private non-
 2 profit and business sector in delinquency prevention
 3 activities; and

4 “(3) developing or enhancing a statewide sub-
 5 sidy program to local governments that is dedicated
 6 to early intervention and delinquency prevention.

7 **“SEC. 205. GRANTS TO INDIAN TRIBES.**

8 “(a) IN GENERAL.—From the amount reserved
 9 under section 206(b) in each fiscal year, the Administrator
 10 shall make grants to Indian tribes for programs pursuant
 11 to the permissible purposes under section 204 and part
 12 B of this title.

13 “(b) APPLICATIONS.—

14 “(1) IN GENERAL.—To be eligible to receive a
 15 grant under this section, an Indian tribe shall sub-
 16 mit to the Administrator an application in such form
 17 and containing such information as the Adminis-
 18 trator may by regulation require.

19 “(2) PLANS.—Each application submitted
 20 under paragraph (1) shall include a plan for con-
 21 ducting projects described in section 204(a), which
 22 plan shall—

23 “(A) provide evidence that the Indian tribe
 24 performs law enforcement functions (as deter-
 25 mined by the Secretary of the Interior);

1 “(B) identify the juvenile justice and delin-
2 quency problems and juvenile delinquency pre-
3 vention needs to be addressed by activities con-
4 ducted by the Indian tribe in the area under the
5 jurisdiction of the Indian tribe with assistance
6 provided by the grant;

7 “(C) provide for fiscal control and account-
8 ing procedures that—

9 “(i) are necessary to ensure the pru-
10 dent use, proper disbursement, and ac-
11 counting of funds received under this sec-
12 tion; and

13 “(ii) are consistent with the require-
14 ments of subparagraph (B);

15 “(D) comply with the requirements of sec-
16 tion 222(a) (except that such subsection relates
17 to consultation with a State advisory group)
18 and with the requirements of section 222(c);
19 and

20 “(E) contain such other information, and
21 be subject to such additional requirements, as
22 the Administrator may reasonably prescribe to
23 ensure the effectiveness of the grant program
24 under this section.

1 “(c) FACTORS FOR CONSIDERATION.—In awarding
2 grants under this section, the Administrator shall
3 consider—

4 “(1) the resources that are available to each ap-
5 plicant that will assist, and be coordinated with, the
6 overall juvenile justice system of the Indian tribe;
7 and

8 “(2) for each Indian tribe that receives assist-
9 ance under such a grant—

10 “(A) the relative juvenile population; and

11 “(B) who will be served by the assistance
12 provided by the grant.

13 “(d) GRANT AWARDS.—

14 “(1) IN GENERAL.—

15 “(A) COMPETITIVE AWARDS.—Except as
16 provided in paragraph (2), the Administrator
17 shall—

18 “(i) annually award grants under this
19 section on a competitive basis; and

20 “(ii) enter into a grant agreement
21 with each grant recipient under this sec-
22 tion that specifies the terms and conditions
23 of the grant.

1 “(B) PERIOD OF GRANT.—The period of
2 each grant awarded under this section shall be
3 2 years.

4 “(2) EXCEPTION.—In any case in which the
5 Administrator determines that a grant recipient
6 under this section has performed satisfactorily dur-
7 ing the preceding year in accordance with an appli-
8 cable grant agreement, the Administrator may—

9 “(A) waive the requirement that the recipi-
10 ent be subject to the competitive award process
11 described in paragraph (1)(A); and

12 “(B) renew the grant for an additional
13 grant period (as specified in paragraph (1)(B)).

14 “(3) MODIFICATIONS OF PROCESSES.—The Ad-
15 ministrator may prescribe requirements to provide
16 for appropriate modifications to the plan preparation
17 and application process specified in subsection (b)
18 for an application for a renewal grant under para-
19 graph (2)(B).

20 “(e) REPORTING REQUIREMENT.—Each Indian tribe
21 that receives a grant under this section shall be subject
22 to the fiscal accountability provisions of section 5(f)(1) of
23 the Indian Self-Determination and Education Assistance
24 Act (25 U.S.C. 450c(f)(1)), relating to the submission of

1 a single-agency audit report required by chapter 75 of title
2 31, United States Code.

3 “(f) MATCHING REQUIREMENT.—Funds appro-
4 priated by Congress for the activities of any agency of an
5 Indian tribal government or the Bureau of Indian Affairs
6 performing law enforcement functions on any Indian lands
7 may be used to provide the non-Federal share of any pro-
8 gram or project with a matching requirement funded
9 under this section.

10 “(g) TECHNICAL ASSISTANCE.—From the amount
11 reserved under section 206(b) in each fiscal year, the Ad-
12 ministrator may reserve 1 percent for the purpose of pro-
13 viding technical assistance to recipients of grants under
14 this section.

15 **“SEC. 206. ALLOCATION OF GRANTS.**

16 “(a) IN GENERAL.—Subject to subsections (b), (c),
17 and (d), the amount allocated under section 261 to carry
18 out section 204 in each fiscal year shall be allocated to
19 the States as follows:

20 “(1) The amount allocated to any State shall
21 not be less than \$200,000.

22 “(2) Not less than 75 percent of the funds
23 made available under Part A of this title shall be
24 used to carry out section 205.

1 “(b) RESERVATION OF FUNDS.—Notwithstanding
 2 any other provision of law, from the amounts allocated
 3 under section 261 to carry out section 204 and part B
 4 in each fiscal year the Administrator shall reserve an
 5 amount equal to the amount which all Indian tribes that
 6 qualify for a grant under section 205 would collectively
 7 be entitled, if such tribes were collectively treated as a
 8 State for purposes of subsection (a).

9 “(c) EXCEPTION.—The amount allocated to the Vir-
 10 gin Islands of the United States, Guam, American Samoa,
 11 the Trust Territory of the Pacific Islands, and the Com-
 12 monwealth of the Northern Mariana Islands shall be not
 13 less than \$75,000 and not more than \$100,000.

14 “(d) ADMINISTRATIVE COSTS.—A State, unit of local
 15 government, or eligible unit that receives funds under this
 16 part may not use more than 5 percent of those funds to
 17 pay for administrative costs.

18 **“PART B—FEDERAL ASSISTANCE FOR STATE AND**
 19 **LOCAL PROGRAMS**

20 **“SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.**

21 “(a) IN GENERAL.—The Administrator may make
 22 grants to States and units of local government, or com-
 23 binations thereof, to assist them in planning, establishing,
 24 operating, coordinating, and evaluating projects directly or
 25 through grants and contracts with public and private

1 agencies for the development of more effective education,
2 training, research, prevention, diversion, treatment, and
3 rehabilitation programs in the area of juvenile delinquency
4 and programs to improve the juvenile justice system.

5 “(b) TRAINING AND TECHNICAL ASSISTANCE.—

6 “(1) IN GENERAL.—With not to exceed 2 per-
7 cent of the funds available in a fiscal year to carry
8 out this part, the Administrator shall make grants
9 to and enter into contracts with public and private
10 agencies, organizations, and individuals to provide
11 training and technical assistance to States, units of
12 local government (or combinations thereof), and
13 local private agencies to facilitate compliance with
14 section 222 and implementation of the State plan
15 approved under section 222(c).

16 “(2) ELIGIBLE RECIPIENTS.—

17 “(A) IN GENERAL.—Grants may be made
18 to and contracts may be entered into under
19 paragraph (1) only with public and private
20 agencies, organizations, and individuals that
21 have experience in providing training and tech-
22 nical assistance required under paragraph (1).

23 “(B) ACTIVITY COORDINATION.—In pro-
24 viding training and technical assistance re-
25 quired under paragraph (1), the recipient of a

1 grant or contract under this subsection shall co-
2 ordinate its activities with the State agency de-
3 scribed in section 222(a)(1).

4 **“SEC. 222. STATE PLANS.**

5 “(a) IN GENERAL.—In order to receive formula
6 grants under this part, a State shall submit a plan, devel-
7 oped in consultation with the State Advisory Group estab-
8 lished by the State under subsection (e)(2)(A), for car-
9 rying out its purposes applicable to a 3-year period.

10 “(b) ALLOCATION.—A portion of any allocation of
11 formula grants to a State shall be available to develop a
12 State plan or for other activities associated with such
13 State plan which are necessary for efficient administra-
14 tion, including monitoring, evaluation, and one full-time
15 staff position.

16 “(c) ANNUAL REPORTS.—The State shall submit an-
17 nual performance reports to the Administrator, each of
18 which shall describe progress in implementing programs
19 contained in the original State plan, and amendments nec-
20 essary to update the State plan, and shall describe the
21 status of compliance with State plan requirements.

22 “(d) CONTENTS OF PLAN.—In accordance with regu-
23 lations that the Administrator shall prescribe, a State plan
24 shall—

1 “(1) designate a State agency as the sole agen-
2 cy for supervising the preparation and administra-
3 tion of the State plan;

4 “(2) contain satisfactory evidence that the
5 State agency designated in accordance with para-
6 graph (1) has or will have authority, by legislation
7 if necessary, to implement the State plan in con-
8 formity with this part;

9 “(3) provide for the active consultation with
10 and participation of units of local government in the
11 development of a State plan that adequately takes
12 into account the needs and requests of units of local
13 government, except that nothing in the State plan
14 requirements, or any regulations promulgated to
15 carry out such requirements, shall be construed to
16 prohibit or impede the State from making grants to,
17 or entering into contracts with, local private agen-
18 cies, including religious organizations;

19 “(4) to the extent feasible and consistent with
20 paragraph (5), provide for an equitable distribution
21 of the assistance received with the State, including
22 rural areas;

23 “(5) require that the State or unit of local gov-
24 ernment that is a recipient of amounts under this
25 part distribute the amounts intended to be used for

1 the prevention of juvenile delinquency and reduction
2 of incarceration, to the extent feasible, in proportion
3 to the amount of juvenile crime committed within
4 those regions and communities;

5 “(6) provide assurances that youth who come
6 into contact with the juvenile justice system are
7 treated equitably on the basis of gender, race, family
8 income, and disability;

9 “(7) provide for—

10 “(A) an analysis of juvenile crime and de-
11 linquency problems (including the joining of
12 gangs that commit crimes) and juvenile justice
13 and delinquency prevention needs (including
14 educational needs) of the State (including any
15 geographical area in which an Indian tribe per-
16 forms law enforcement functions), a description
17 of the services to be provided, and a description
18 of performance goals and priorities, including a
19 specific statement of the manner in which pro-
20 grams are expected to meet the identified juve-
21 nile crime problems (including the joining of
22 gangs that commit crimes) and juvenile justice
23 and delinquency prevention needs (including
24 educational needs) of the State;

1 “(B) an indication of the manner in which
2 the programs relate to other similar State or
3 local programs that are intended to address the
4 same or similar problems; and

5 “(C) a strategy for the concentration of
6 State efforts, which shall coordinate all State
7 juvenile crime control, prevention, and delin-
8 quency programs with respect to overall policy
9 and development of objectives and priorities for
10 all State juvenile crime control and delinquency
11 programs and activities, including a provision
12 for regular meetings of State officials with re-
13 sponsibility in the area of juvenile justice and
14 delinquency prevention;

15 “(D) needed gender-specific services for
16 the prevention and treatment of juvenile delin-
17 quency;

18 “(E) needed services for the prevention
19 and treatment of juvenile delinquency in rural
20 areas; and

21 “(F) needed mental health services to juve-
22 niles in the juvenile justice system;

23 “(8) provide for the coordination and maximum
24 utilization of existing juvenile delinquency programs,
25 programs operated by public and private agencies

1 and organizations, and other related programs (such
2 as education, special education, recreation, health,
3 and welfare programs) in the State;

4 “(9) provide for the development of an adequate
5 research, training, and evaluation capacity within
6 the State;

7 “(10) provide that not less than 75 percent of
8 the funds available to the State under section 221,
9 other than funds made available to the State advisory
10 group under this section, whether expended directly
11 by the State, by the unit of local government,
12 or by a combination thereof, or through grants and
13 contracts with public or private nonprofit agencies,
14 shall be used for—

15 “(A) community-based alternatives (including
16 home-based alternatives) to incarceration
17 and institutionalization, including—

18 “(i) for youth who need temporary
19 placement, the provision of crisis intervention,
20 shelter, and after-care; and

21 “(ii) for youth who need residential
22 placement, the provision of a continuum of
23 foster care or group home alternatives that
24 provide access to a comprehensive array of
25 services;

1 “(B) programs that assist in holding juve-
2 niles accountable for their actions, including the
3 use of graduated sanctions and of neighborhood
4 courts or panels that increase victim satisfac-
5 tion and require juveniles to make restitution
6 for the damage caused by their delinquent be-
7 havior;

8 “(C) comprehensive juvenile crime control
9 and delinquency prevention programs that meet
10 the needs of youth through the collaboration of
11 the many local systems before which a youth
12 may appear, including schools, courts, law en-
13 forcement agencies, child protection agencies,
14 mental health agencies, welfare services, health
15 care agencies, public recreation agencies, and
16 private nonprofit agencies offering youth serv-
17 ices;

18 “(D) programs that provide treatment to
19 juvenile offenders who are victims of child
20 abuse or neglect, and to the families of those
21 juveniles, in order to reduce the likelihood that
22 those juvenile offenders will commit subsequent
23 violations of law;

24 “(E) educational programs or supportive
25 services for delinquent or other juveniles—

1 “(i) to encourage juveniles to remain
 2 in elementary and secondary schools or in
 3 alternative learning situations;

4 “(ii) to provide services to assist juve-
 5 niles in making the transition to the world
 6 of work and self-sufficiency; and

7 “(iii) to enhance coordination with the
 8 local schools that juveniles would otherwise
 9 attend, to ensure that—

10 “(I) the instruction that juveniles
 11 receive outside school is closely
 12 aligned with the instruction provided
 13 in school; and

14 “(II) information regarding any
 15 learning problems identified in such
 16 alternative learning situations are
 17 communicated to the schools;

18 “(F) expanding the use of probation
 19 officers—

20 “(i) particularly for the purpose of
 21 permitting nonviolent juvenile offenders
 22 (including status offenders) to remain at
 23 home with their families as an alternative
 24 to incarceration or institutionalization; and

1 “(ii) to ensure that juveniles follow
2 the terms of their probation;

3 “(G) one-on-one mentoring programs that
4 are designed to link at-risk juveniles and juve-
5 nile offenders, particularly juveniles residing in
6 high-crime areas and juveniles experiencing
7 educational failure, with responsible adults
8 (such as law enforcement officers, adults work-
9 ing with local businesses, and adults working
10 with community-based organizations and agen-
11 cies) who are properly screened and trained;

12 “(H) programs designed to develop and
13 implement projects relating to juvenile delin-
14 quency and learning disabilities, including on-
15 the-job training programs to assist community
16 services, law enforcement, and juvenile justice
17 personnel to more effectively recognize and pro-
18 vide for learning disabled and other juveniles
19 with disabilities;

20 “(I) projects designed to deter involvement
21 in illegal activities and promote involvement in
22 lawful activities on the part of gangs whose
23 membership is substantially composed of youth;

24 “(J) programs and projects designed to
25 provide for the treatment of a youth who is de-

1 pendent on or abuses alcohol or other addictive
2 or nonaddictive drugs;

3 “(K) community-based programs and serv-
4 ices to work with juveniles, their parents, and
5 other family members during and after incar-
6 ceration in order to strengthen families so that
7 such juveniles may be retained in their homes;

8 “(L) activities (such as court-appointed ad-
9 vocates) that the State determines will hold ju-
10 veniles accountable for their acts and decrease
11 juvenile involvement in delinquent activities;

12 “(M) establishing policies and systems to
13 incorporate relevant child protective services
14 records into juvenile justice records for pur-
15 poses of establishing treatment plans for juve-
16 nile offenders;

17 “(N) programs (including referral to lit-
18 eracy programs and social service programs) to
19 assist families with limited English-speaking
20 ability that include delinquent juveniles to over-
21 come language and other barriers that may pre-
22 vent the complete treatment of the juveniles
23 and the preservation of their families;

24 “(O) programs that utilize multidisci-
25 plinary interagency case management and infor-

1 mation sharing, that enable the juvenile justice
 2 and law enforcement agencies, schools, and so-
 3 cial service agencies to make more informed de-
 4 cisions regarding early identification, control,
 5 supervision, and treatment of juveniles who re-
 6 peatedly commit violent or serious delinquent
 7 acts;

8 “(P) programs designed to prevent and re-
 9 duce hate crimes committed by juveniles;

10 “(Q) court supervised initiatives that ad-
 11 dress the illegal possession of firearms by juve-
 12 niles;

13 “(R) programs for positive youth develop-
 14 ment that provide delinquent youth and youth
 15 at-risk of delinquency with—

16 “(i) an ongoing relationship with a
 17 caring adult (such as a mentor, tutor,
 18 coach, or shelter youth worker);

19 “(ii) safe places and structured activi-
 20 ties during nonschool hours;

21 “(iii) a healthy start;

22 “(iv) a marketable skill through effec-
 23 tive education; and

24 “(v) an opportunity to give back
 25 through community service;

1 “(S) programs and projects that provide
2 comprehensive post-placement services that help
3 juveniles make a successful transition back into
4 the community, including mental health serv-
5 ices, substance abuse treatment, counseling,
6 education, and employment training;

7 “(T) programs and services designed to
8 identify and address the health and mental
9 health needs of youth; and

10 “(U) programs that have been proven to be
11 successful in preventing delinquency, such as
12 Multi-Systemic Therapy, Multi-Dimensional
13 Treatment Foster Care, Functional Family
14 Therapy, and the Bullying Prevention Program;
15 “(11) provide that—

16 “(A) a juvenile who is charged with or who
17 has committed an offense that would not be
18 criminal if committed by an adult shall not be
19 placed in a secure detention facility or secure
20 correctional facility unless the juvenile—

21 “(i) was charged with or committed a
22 violation of section 922(x)(2) of title 18,
23 United States Code, or of a similar State
24 law;

1 “(ii) was charged with or committed a
2 violation of a valid court order; or

3 “(iii) was held in accordance with the
4 Interstate Compact on Juveniles as en-
5 acted by the State; and

6 “(B) a juvenile shall not be placed in a se-
7 cure detention facility or secure correctional fa-
8 cility if the juvenile—

9 “(i) was not charged with any offense;
10 and

11 “(ii) is—

12 “(I) an alien; or

13 “(II) alleged to be dependent, ne-
14 glected, or abused.

15 “(12) provide that—

16 “(A) a juvenile who is alleged to be or
17 found to be delinquent or a juvenile who is de-
18 scribed in paragraph (11) will not be detained
19 or confined in any institution in which prohib-
20 ited physical contact or sustained oral and vis-
21 ual contact with an adult inmate can occur; and

22 “(B) there is in effect in the State a policy
23 that requires an individual who works with both
24 juveniles and adult inmates, including in collo-

1 cated facilities, to be trained and certified to
 2 work with juveniles;

3 “(13) provide that no juvenile will be detained
 4 or confined in any jail or lockup for adults except—

5 “(A) juveniles who are accused of non-
 6 status offenses and who are detained in such
 7 jail or lockup for a period not to exceed 6
 8 hours—

9 “(i) for processing or release;

10 “(ii) while awaiting transfer to a juve-
 11 nile facility; or

12 “(iii) in which period such juveniles
 13 make a court appearance;

14 “(B) juveniles who—

15 “(i) are accused of nonstatus offenses;

16 “(ii) are awaiting an initial court ap-
 17 pearance that will occur within 48 hours
 18 after being taken into custody (excluding
 19 Saturdays, Sundays, and legal holidays);
 20 and

21 “(iii) are detained in a jail or
 22 lockup—

23 “(I) in which such juveniles do
 24 not have prohibited physical contact,
 25 or sustained oral and visual contact,

1 with adults incarcerated because such
2 adults have been convicted of a crime
3 or are awaiting trial on criminal
4 charges;

5 “(II) where there is in effect in
6 the State a policy that requires indi-
7 viduals who work with both such juve-
8 niles and such adults in colocated fa-
9 cilities have been trained and certified
10 to work with juveniles; and

11 “(III) that is located—

12 “(aa) outside a metropolitan
13 statistical area (as defined by the
14 Office of Management and Budg-
15 et) and has no existing accept-
16 able alternative placement avail-
17 able;

18 “(bb) where conditions of
19 distance to be traveled or the
20 lack of highway, road, or trans-
21 portation do not allow for court
22 appearances within 48 hours (ex-
23 cluding Saturdays, Sundays, and
24 legal holidays) so that a brief

1 (not to exceed an additional 48
2 hours) delay is excusable; or

3 “(cc) where conditions of
4 safety exist (such as severe ad-
5 verse, life-threatening weather
6 conditions that do not allow for
7 reasonably safe travel), in which
8 case the time for an appearance
9 may be delayed until 24 hours
10 after the time that such condi-
11 tions allow for reasonable safe
12 travel;

13 “(14)(A) provide assurances that consideration
14 will be given to and that assistance will be available
15 for approaches designed to strengthen the families of
16 delinquent and other youth to prevent juvenile delin-
17 quency; and

18 “(B) approaches under subparagraph (A)
19 should include the involvement of grandparents or
20 other extended family members, when possible, and
21 appropriate and the provision of family counseling
22 during the incarceration of juvenile family members
23 and coordination of family services when appropriate
24 and feasible;

1 “(15) provide for procedures to be established
2 for protecting the rights of recipients of services and
3 for assuring appropriate privacy with regard to
4 records relating to the services provided to any indi-
5 vidual under the State plan;

6 “(16) provide for such fiscal control and fund
7 accounting procedures necessary to assure prudent
8 use, proper disbursement, and accurate accounting
9 of funds received under this title;

10 “(17) provide reasonable assurances that Fed-
11 eral funds made available under this part for any pe-
12 riod shall be used to supplement and increase (but
13 not supplant) the level of the State, local, and other
14 non-Federal funds that would, in the absence of the
15 Federal funds, be made available for the programs
16 described in this part, and shall in no event replace
17 such State, local, and other non-Federal funds;

18 “(18) provide that the State agency designated
19 under paragraph (1) shall, not less often than annu-
20 ally, review its plan and submit to the Administrator
21 an analysis and evaluation of the effectiveness of the
22 programs and activities carried out under the plan,
23 and any modifications in the plan, including the sur-
24 vey of the State and local needs, that the agency
25 considers necessary;

1 “(19) provide assurances that the State or unit
2 of local government that is a recipient of amounts
3 under this part require that any person convicted of
4 a sexual act or sexual contact involving any other
5 person who has not attained the age of 18 years,
6 and who is not less than 4 years younger than that
7 convicted person, be tested for the presence of a sex-
8 ually transmitted disease and that the results of that
9 test be provided to the victim or to the family of the
10 victim as well as to any court or other government
11 agency with primary authority for sentencing the
12 person convicted for the commission of the sexual
13 act or sexual contact (as those terms are defined in
14 paragraphs (2) and (3), respectively, of section 2246
15 of title 18, United States Code);

16 “(20) provide that if a juvenile is taken into
17 custody for violating a valid court order issued for
18 committing a status offense—

19 “(A) an appropriate public agency shall be
20 promptly notified that the juvenile is being
21 taken into custody for violating the court order;

22 “(B) that within 24 hours of the juvenile
23 being taken into custody, an authorized rep-
24 resentative of the public agency shall interview
25 the juvenile in person; and

1 “(C) that within 48 hours of the juvenile
2 being taken into custody—

3 “(i) the authorized representative
4 shall submit an assessment regarding the
5 immediate needs of the juvenile to the
6 court that issued the order; and

7 “(ii) the court shall conduct a hearing
8 to determine—

9 “(I) whether there is reasonable
10 cause to believe that the juvenile vio-
11 lated the order; and

12 “(II) the appropriate placement
13 of the juvenile pending disposition of
14 the alleged violation;

15 “(21) specify a percentage, if any, of funds re-
16 ceived by the State under section 221 that the State
17 shall reserve for expenditure by the State to provide
18 incentive grants to units of local government that re-
19 duce the case load of probation officers within those
20 units;

21 “(22) provide that the State, to the maximum
22 extent practicable, will implement a system to ensure
23 that if a juvenile is before a court in the juvenile jus-
24 tice system, public child welfare records (including
25 child protective services records) relating to that ju-

1 venile that are on file in the geographical area under
2 the jurisdiction of that court will be made known to
3 that court;

4 “(23) unless the provisions of this paragraph
5 are waived at the discretion of the Administrator for
6 any State in which the services for delinquent or
7 other youth are organized primarily on a statewide
8 basis, provide that at least 50 percent of funds re-
9 ceived by the State under this section, other than
10 funds made available to the State advisory group,
11 shall be expended—

12 “(A) through programs of units of general
13 local government, to the extent that those pro-
14 grams are consistent with the State plan; and

15 “(B) through programs of local private
16 agencies, to the extent that those programs are
17 consistent with the State plan, except that di-
18 rect funding of any local private agency by a
19 State shall be permitted only if the local private
20 agency requests direct funding after the agency
21 has applied for and been denied funding by a
22 unit of general local government;

23 “(24) provide for the establishment of youth
24 tribunals and peer ‘juries’ in school districts in the
25 State to promote zero tolerance policies with respect

1 to misdemeanor offenses, acts of juvenile delin-
2 quency, and other antisocial behavior occurring on
3 school grounds, including truancy, vandalism, under-
4 age drinking, and underage tobacco use;

5 “(25) provide for projects to coordinate the de-
6 livery of adolescent mental health and substance
7 abuse services to children at risk by coordinating
8 councils composed of public and private service pro-
9 viders;

10 “(26) provide assurances that—

11 “(A) any assistance provided under this
12 title will not cause the displacement (including
13 a partial displacement, such as a reduction in
14 the hours of nonovertime work, wages, or em-
15 ployment benefits) of any currently employed
16 employee;

17 “(B) activities assisted under this title will
18 not impair an existing collective bargaining re-
19 lationship, contract for services, or collective
20 bargaining agreement; and

21 “(C) an activity that would be inconsistent
22 with the terms of a collective bargaining agree-
23 ment shall not be undertaken without the writ-
24 ten concurrence of the labor organization in-
25 volved; and

1 “(27) address efforts to reduce the proportion
 2 of juveniles detained or confined in secure detention
 3 facilities, secure correctional facilities, jails, and
 4 lockups who are members of minority groups, if such
 5 proportion exceeds the proportion such groups rep-
 6 resent in the general population.

7 “(e) APPROVAL BY STATE AGENCY.—

8 “(1) STATE AGENCY.—The State agency des-
 9 ignated under subsection (d)(1) shall approve the
 10 State plan and any modification of that plan prior
 11 to submission of the plan to the Administrator.

12 “(2) STATE ADVISORY GROUP.—

13 “(A) ESTABLISHMENT.—

14 “(i) IN GENERAL.—The State advi-
 15 sory group referred to in subsection (a)
 16 shall be known as the ‘State Advisory
 17 Group’.

18 “(ii) MEMBERS.—The State Advisory
 19 Group shall—

20 “(I) consist of representatives
 21 from both the private and public sec-
 22 tor, each of whom shall be appointed
 23 for a term of not more than 6 years;
 24 and

1 “(II) include not less than 1
2 prosecutor and not less than 1 judge
3 from a court with a juvenile crime or
4 delinquency docket.

5 “(iii) MEMBER EXPERIENCE.—The
6 State shall ensure that members of the
7 State Advisory Group shall have experience
8 in the area of juvenile delinquency preven-
9 tion, the prosecution of juvenile offenders,
10 the treatment of juvenile delinquency, the
11 investigation of juvenile crimes, or the ad-
12 ministration of juvenile justice programs.

13 “(iv) CHAIRPERSON.—The chair-
14 person of the State Advisory Group shall
15 not be a full-time employee of the Federal
16 Government or the State government.

17 “(B) CONSULTATION.—

18 “(i) IN GENERAL.—The State Advi-
19 sory Group established under subpara-
20 graph (A) shall—

21 “(I) participate in the develop-
22 ment and review of a State plan
23 under this section before the plan is
24 submitted to the supervisory agency
25 for final action; and

1 “(II) be afforded an opportunity
2 to review and comment, not later than
3 30 days after the submission to the
4 State Advisory Group, on all juvenile
5 justice and delinquency prevention
6 grant applications submitted to the
7 State agency designated under sub-
8 section (d)(1).

9 “(ii) AUTHORITY.—The State Advi-
10 sory Group shall report to the chief execu-
11 tive officer and the legislature of a State
12 that has submitted a plan, on an annual
13 basis regarding recommendations related
14 to the compliance by that State with this
15 section.

16 “(C) FUNDING.—From amounts reserved
17 for administrative costs, the State may make
18 available to the State Advisory Group such
19 sums as may be necessary to assist the State
20 Advisory Group in adequately performing its
21 duties under this paragraph.

22 “(f) COMPLIANCE WITH STATUTORY REQUIRE-
23 MENTS.—If a State fails to comply with any of the appli-
24 cable requirements of paragraph (11), (12), (13), or (27)
25 of subsection (d) in any fiscal year beginning after Sep-

1 tember 30, 2001, the amount allocated to that State for
 2 the subsequent fiscal year shall be reduced by not to ex-
 3 ceed 12.5 percent for each such paragraph with respect
 4 to which the failure occurs, unless the Administrator de-
 5 termines that the State—

6 “(1) has achieved substantial compliance with
 7 the applicable requirements with respect to which
 8 the State was not in compliance; and

9 “(2) has made, through appropriate executive
 10 or legislative action, an unequivocal commitment to
 11 achieving full compliance with the applicable require-
 12 ments within a reasonable time.

13 **“SEC. 223. ALLOCATION OF GRANTS.**

14 “(a) IN GENERAL.—Subject to subsections (b), (c),
 15 and (d), of the amount allocated under section 261 to
 16 carry out this part in each fiscal year that remains after
 17 reservation under section 206(b) for that fiscal year—

18 “(1) no State shall be allocated less than
 19 \$750,000; and

20 “(2) the amount remaining after the allocation
 21 under paragraph (1) shall be allocated proportion-
 22 ately based on the juvenile population in the eligible
 23 States.

24 “(b) SYSTEM SUPPORT GRANTS.—Of the amount al-
 25 located under section 261 to carry out this part in each

1 fiscal year that remains after reservation under section
2 206(b) for that fiscal year, up to 10 percent may be avail-
3 able for use by the Administrator to provide—

4 “(1) training and technical assistance con-
5 sistent with the purposes authorized under sections
6 203, 204, and 221;

7 “(2) direct grant awards and other support to
8 develop, test, and demonstrate new approaches to
9 improving the juvenile justice system and reducing,
10 preventing, and abating delinquent behavior, juvenile
11 crime, and youth violence;

12 “(3) for research and evaluation efforts to dis-
13 cover and test methods and practices to improve the
14 juvenile justice system and reduce, prevent, and
15 abate delinquent behavior, juvenile crime, and youth
16 violence; and

17 “(4) information, including information on best
18 practices, consistent with purposes authorized under
19 sections 203, 204, and 221.

20 “(c) EXCEPTION.—The amount allocated to the Vir-
21 gin Islands of the United States, Guam, American Samoa,
22 the Trust Territory of the Pacific Islands, and the Com-
23 monwealth of the Northern Mariana Islands shall be not
24 less than \$75,000 and not more than \$100,000.

1 “(d) ADMINISTRATIVE COSTS.—A State, unit of local
 2 government, or eligible unit that receives funds under this
 3 part may not use more than 5 percent of those funds to
 4 pay for administrative costs.

5 **“PART C—GANG-FREE SCHOOLS AND COMMU-**
 6 **NITIES; COMMUNITY-BASED GANG INTER-**
 7 **VENTION**

8 **“SEC. 231. DEFINITION OF JUVENILE.**

9 “In this part, the term ‘juvenile’ means an individual
 10 who has not attained the age of 22 years.

11 **“SEC. 232. GANG-FREE SCHOOLS AND COMMUNITIES.**

12 “(a) IN GENERAL.—

13 “(1) FAMILY AND COMMUNITY GRANTS.—The
 14 Administrator shall make grants to or enter into
 15 contracts with public agencies (including local edu-
 16 cational agencies) and private nonprofit agencies, or-
 17 ganizations, and institutions to establish and sup-
 18 port programs and activities that involve families
 19 and communities and that are designed to—

20 “(A) prevent and reduce the participation
 21 of juveniles in criminal gang activity by
 22 providing—

23 “(i) individual, peer, family, and
 24 group counseling, including a provision of
 25 life skills training and preparation for liv-

1 ing independently, which shall include co-
2 operation with social services, welfare, and
3 health care programs;

4 “(ii) education, recreation, and social
5 services designed to address the social and
6 developmental needs of juveniles that those
7 juveniles would otherwise seek to have met
8 through membership in gangs;

9 “(iii) crisis intervention and coun-
10 seling to juveniles who are particularly at
11 risk of gang involvement, and the families
12 of those juveniles, including assistance
13 from social service, welfare, health care,
14 mental health, and substance abuse pre-
15 vention and treatment agencies where nec-
16 essary;

17 “(iv) an organization of neighborhood
18 and community groups to work closely with
19 parents, schools, law enforcement, and
20 other public and private agencies in the
21 community; and

22 “(v) training and assistance to adults
23 who have significant relationships with ju-
24 veniles who are or may become members of
25 gangs so the adults may provide construc-

1 tive alternatives to participating in the ac-
2 tivities of gangs;

3 “(B) develop within the juvenile adjudica-
4 tory and correctional systems new and innova-
5 tive means to address the problems of juveniles
6 who have been convicted of serious drug-related
7 and gang-related offenses;

8 “(C) target elementary school students,
9 with the purpose of steering students away
10 from gang involvement;

11 “(D) provide treatment to juveniles who
12 are members of gangs, including members who
13 are accused of committing a serious crime and
14 members who have been adjudicated as being
15 delinquent;

16 “(E) promote the involvement of juveniles
17 in lawful activities in geographical areas in
18 which gangs commit crimes;

19 “(F) promote and support, with the co-
20 operation of community-based organizations ex-
21 perienced in providing services to juveniles en-
22 gaged in gang-related activities and the co-
23 operation of local law enforcement agencies, the
24 development of policies and activities in public
25 elementary and secondary schools that will as-

1 sist those schools in maintaining a safe environ-
2 ment conducive to learning;

3 “(G) assist juveniles who are or may be-
4 come members of gangs to obtain appropriate
5 educational instruction, in or outside a regular
6 school program, including the provision of coun-
7 seling and other services to promote and sup-
8 port the continued participation of those juve-
9 niles in the instructional programs;

10 “(H) expand the availability of prevention
11 and treatment services relating to the illegal use
12 of controlled substances and controlled sub-
13 stance analogues (as defined in paragraphs (6)
14 and (32) of section 102 of the Controlled Sub-
15 stances Act (21 U.S.C. 802)) by juveniles, pro-
16 vided through State and local health and social
17 services agencies;

18 “(I) provide services to prevent juveniles
19 from coming into contact with the juvenile jus-
20 tice system again as a result of gang-related ac-
21 tivity;

22 “(J) provide services authorized in this
23 section at a special location in a school or hous-
24 ing project or other appropriate site; or

1 “(K) support activities to inform juveniles
2 of the availability of treatment and services for
3 which financial assistance is available under
4 this section.

5 “(2) RESEARCH AND EVALUATION.—From not
6 more than 15 percent of the total amount appro-
7 priated to carry out this part in each fiscal year, the
8 Administrator may make grants to and enter into
9 contracts with public agencies and private nonprofit
10 agencies, organizations, and institutions—

11 “(A) to conduct research on issues related
12 to juvenile gangs;

13 “(B) to evaluate the effectiveness of pro-
14 grams and activities funded under paragraph
15 (1); and

16 “(C) to increase the knowledge of the pub-
17 lic (including public and private agencies that
18 operate or desire to operate gang prevention
19 and intervention programs) by disseminating in-
20 formation on research and on effective pro-
21 grams and activities funded under this section.

22 “(b) APPROVAL OF APPLICATIONS.—

23 “(1) IN GENERAL.—Any agency, organization,
24 or institution that seeks to receive a grant or enter
25 into a contract under this section shall submit an

1 application at such time, in such manner, and con-
2 taining such information as the Administrator may
3 prescribe.

4 “(2) APPLICATION CONTENTS.—In accordance
5 with guidelines established by the Administrator,
6 each application submitted under paragraph (1)
7 shall—

8 “(A) set forth a program or activity for
9 carrying out 1 or more of the purposes specified
10 in subsection (a), and specifically identify each
11 purpose the program or activity is designed to
12 carry out;

13 “(B) provide that the program or activity
14 shall be administered by or under the super-
15 vision of the applicant;

16 “(C) provide for the proper and efficient
17 administration of the program or activity;

18 “(D) provide for regular evaluation of the
19 program or activity;

20 “(E) provide an assurance that the pro-
21 posed program or activity will supplement, not
22 supplant, similar programs and activities al-
23 ready available in the community;

24 “(F) describe how the program or activity
25 is coordinated with programs, activities, and

1 services available locally under part B of this
2 title and under chapter 1 of subtitle B of title
3 III of the Anti-Drug Abuse Act of 1988 (42
4 U.S.C. 11801–11805);

5 “(G) certify that the applicant has re-
6 quested the State planning agency to review
7 and comment on the application and to summa-
8 rize the responses of that State planning agency
9 to the request;

10 “(H) provide that regular reports on the
11 program or activity shall be sent to the Admin-
12 istrator and to the State planning agency; and

13 “(I) provide for such fiscal control and
14 fund accounting procedures as may be nec-
15 essary to ensure prudent use, proper disburse-
16 ment, and accurate accounting of funds re-
17 ceived under this section.

18 “(3) PRIORITY.—In reviewing applications for
19 grants and contracts under this section, the Admin-
20 istrator shall give priority to an application—

21 “(A) submitted by, or substantially involv-
22 ing, a local educational agency (as defined in
23 section 1471 of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 2891));

1 “(B) based on the incidence and severity of
2 crimes committed by gangs whose membership
3 is composed primarily of juveniles in the geo-
4 graphical area in which the applicant proposes
5 to carry out the programs and activities for
6 which the grants and contracts are requested;
7 and

8 “(C) for assistance for programs and ac-
9 tivities that—

10 “(i) are broadly supported by public
11 and private nonprofit agencies, organiza-
12 tions, and institutions located in the geo-
13 graphical area in which the applicant pro-
14 poses to carry out the programs and activi-
15 ties; and

16 “(ii) will substantially involve the fam-
17 ilies of juvenile gang members in carrying
18 out the programs or activities.

19 **“SEC. 233. COMMUNITY-BASED GANG INTERVENTION.**

20 “(a) IN GENERAL.—The Administrator shall make
21 grants to or enter into contracts with public and private
22 nonprofit agencies, organizations, and institutions to carry
23 out programs and activities—

24 “(1) to reduce the participation of juveniles in
25 the illegal activities of gangs;

1 “(2) to develop regional task forces involving
2 State, local, and community-based organizations to
3 coordinate the disruption of gangs and the prosecu-
4 tion of juvenile gang members and to curtail inter-
5 state activities of gangs;

6 “(3) to facilitate coordination and cooperation
7 among—

8 “(A) local education, juvenile justice, em-
9 ployment, recreation, and social service agen-
10 cies; and

11 “(B) community-based programs with a
12 proven record of effectively providing interven-
13 tion services to juvenile gang members for the
14 purpose of reducing the participation of juve-
15 niles in illegal gang activities; and

16 “(4) to support programs that, in recognition of
17 varying degrees of the seriousness of delinquent be-
18 havior and the corresponding gradations in the re-
19 sponses of the juvenile justice system in response to
20 that behavior, are designed to—

21 “(A) encourage courts to develop and im-
22 plement a continuum of post-adjudication re-
23 straints that bridge the gap between traditional
24 probation and confinement in a correctional set-
25 ting (including expanded use of probation, me-

1 diation, restitution, community service, treat-
2 ment, home detention, intensive supervision,
3 electronic monitoring, and secure community-
4 based treatment facilities linked to other sup-
5 port services such as health, mental health, re-
6 medial and special education, job training, and
7 recreation); and

8 “(B) assist in the provision by the Admin-
9 istrator of information and technical assistance,
10 including technology transfer, to States, in the
11 design and utilization of risk assessment mech-
12 anisms to aid juvenile justice personnel in de-
13 termining appropriate sanctions for delinquent
14 behavior.

15 “(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Pro-
16 grams and activities for which grants and contracts are
17 to be made under this section may include—

18 “(1) the hiring of additional State and local
19 prosecutors, and the establishment and operation of
20 programs, including multijurisdictional task forces,
21 for the disruption of gangs and the prosecution of
22 gang members;

23 “(2) developing within the juvenile adjudicatory
24 and correctional systems new and innovative means
25 to address the problems of juveniles who are con-

1 victed of serious drug-related and gang-related of-
2 fenses;

3 “(3) providing treatment to juveniles who are
4 members of gangs, including members who are ac-
5 cused of committing a serious crime and members
6 who have been adjudicated as being delinquent;

7 “(4) promoting the involvement of juveniles in
8 lawful activities in geographical areas in which
9 gangs commit crimes;

10 “(5) expanding the availability of prevention
11 and treatment services relating to the illegal use of
12 controlled substances and controlled substances ana-
13 logues (as defined in paragraphs (6) and (32) of sec-
14 tion 102 of the Controlled Substances Act (21
15 U.S.C. 802)), by juveniles, provided through State
16 and local health and social services agencies;

17 “(6) providing services to prevent juveniles
18 from coming into contact with the juvenile justice
19 system again as a result of gang-related activity; or

20 “(7) supporting activities to inform juveniles of
21 the availability of treatment and services for which
22 financial assistance is available under this section.

23 “(c) APPROVAL OF APPLICATIONS.—

24 “(1) IN GENERAL.—Any agency, organization,
25 or institution that seeks to receive a grant or enter

1 into a contract under this section shall submit an
2 application at such time, in such manner, and con-
3 taining such information as the Administrator may
4 prescribe.

5 “(2) APPLICATION CONTENTS.—In accordance
6 with guidelines established by the Administrator,
7 each application submitted under paragraph (1)
8 shall—

9 “(A) set forth a program or activity for
10 carrying out 1 or more of the purposes specified
11 in subsection (a), and specifically identify each
12 purpose the program or activity is designed to
13 carry out;

14 “(B) provide that the program or activity
15 shall be administered by or under the super-
16 vision of the applicant;

17 “(C) provide for the proper and efficient
18 administration of the program or activity;

19 “(D) provide for regular evaluation of the
20 program or activity;

21 “(E) provide an assurance that the pro-
22 posed program or activity will supplement, not
23 supplant, similar programs and activities al-
24 ready available in the community;

1 “(F) describe how the program or activity
2 is coordinated with programs, activities, and
3 services available locally under part B of this
4 title and under chapter 1 of subtitle B of title
5 III of the Anti-Drug Abuse Act of 1988 (42
6 U.S.C. 11801–11805);

7 “(G) certify that the applicant has re-
8 quested the State planning agency to review
9 and comment on the application and to summa-
10 rize the responses of the State planning agency
11 to the request;

12 “(H) provide that regular reports on the
13 program or activity shall be sent to the Admin-
14 istrator and to the State planning agency; and

15 “(I) provide for such fiscal control and
16 fund accounting procedures as may be nec-
17 essary to ensure prudent use, proper disburse-
18 ment, and accurate accounting of funds re-
19 ceived under this section.

20 “(3) PRIORITY.—In reviewing applications for
21 grants and contracts under subsection (a), the Ad-
22 ministrator shall give priority to an application—

23 “(A) submitted by, or substantially involv-
24 ing, a community-based organization experi-
25 enced in providing services to juveniles;

1 “(B) based on the incidence and severity of
2 crimes committed by gangs whose membership
3 is composed primarily of juveniles in the geo-
4 graphical area in which the applicant proposes
5 to carry out the programs and activities for
6 which the grants and contracts are requested;
7 and

8 “(C) for assistance for programs and ac-
9 tivities that—

10 “(i) are broadly supported by public
11 and private nonprofit agencies, organiza-
12 tions, and institutions located in the geo-
13 graphical area in which the applicant pro-
14 poses to carry out the programs and activi-
15 ties; and

16 “(ii) will substantially involve the fam-
17 ilies of juvenile gang members in carrying
18 out the programs or activities.

19 **“SEC. 234. PRIORITY.**

20 “‘In making grants under this part, the Administrator
21 shall give priority to funding programs and activities de-
22 scribed in subsections (a)(2) and (b)(1) of section 233.

1 **“PART D—DEVELOPING, TESTING, AND DEM-**
2 **ONSTRATING PROMISING NEW INITIATIVES**
3 **AND PROGRAMS**

4 **“SEC. 241. GRANTS AND PROJECTS.**

5 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-
6 trator may make grants to, and enter into contracts with,
7 States, units of local government, Indian tribal govern-
8 ments, public and private agencies, organizations, and in-
9 dividuals, or combinations thereof, to carry out projects
10 for the development, testing, and demonstration of prom-
11 ising initiatives and programs for the prevention, control,
12 or reduction of juvenile delinquency.

13 “(b) **DISTRIBUTION.**—The Administrator shall en-
14 sure that, to the extent reasonable and practicable, a grant
15 made under subsection (a) is made to achieve an equitable
16 geographical distribution of such projects throughout the
17 United States.

18 “(c) **USE OF GRANTS.**—A grant made under sub-
19 section (a) may be used to pay all or part of the cost of
20 the project for which the grant is made.

21 **“SEC. 242. GRANTS FOR TRAINING AND TECHNICAL ASSIST-**
22 **ANCE.**

23 “The Administrator may make grants to, and enter
24 into contracts with, public and private agencies, organiza-
25 tions, and individuals to provide training and technical as-
26 sistance to States, units of local government, Indian tribal

1 governments, local private entities or agencies, or any
2 combination thereof, to carry out the projects for which
3 grants are made under section 241.

4 **“SEC. 243. ELIGIBILITY.**

5 “To be eligible to receive assistance pursuant to a
6 grant or contract under this part, a public or private agen-
7 cy, Indian tribal government, organization, institution, in-
8 dividual, or combination thereof, shall submit an applica-
9 tion to the Administrator at such time, in such form, and
10 containing such information as the Administrator may
11 reasonably require by rule.

12 **“SEC. 244. REPORTS.**

13 “Each recipient of assistance pursuant to a grant or
14 contract under this part shall submit to the Administrator
15 such reports as may be reasonably requested by the Ad-
16 ministrator to describe progress achieved in carrying the
17 projects for which the assistance was provided.

18 **“PART E—MENTORING**

19 **“SEC. 251. MENTORING.**

20 “The purposes of this part are to, through the use
21 of mentors for at-risk youth—

22 “(1) reduce juvenile delinquency and gang par-
23 ticipation;

24 “(2) improve academic performance; and

25 “(3) reduce the dropout rate.

1 **“SEC. 252. DEFINITIONS.**

2 “In this part:

3 “(1) AT-RISK YOUTH.—The term ‘at-risk youth’
4 means a youth at risk of educational failure, drop-
5 ping out of school, or involvement in criminal or de-
6 linquent activities.

7 “(2) MENTOR.—The term ‘mentor’ means a
8 person who works with an at-risk youth on a one-
9 to-one basis, provides a positive role model for the
10 youth, establishes a supportive relationship with the
11 youth, and provides the youth with academic assist-
12 ance and exposure to new experiences and examples
13 of opportunity that enhance the ability of the youth
14 to become a responsible adult.

15 **“SEC. 253. GRANTS.**

16 “(a) LOCAL EDUCATIONAL GRANTS.—The Adminis-
17 trator shall make grants to local education agencies and
18 nonprofit organizations to establish and support programs
19 and activities for the purpose of implementing mentoring
20 programs that—

21 “(1) are designed to link at-risk children, par-
22 ticularly children living in high crime areas and chil-
23 dren experiencing educational failure, with respon-
24 sible adults such as law enforcement officers, per-
25 sons working with local businesses, elders in Alaska

1 Native villages, and adults working for community-
 2 based organizations and agencies; and

3 “(2) are intended to—

4 “(A) provide general guidance to at-risk
 5 youth;

6 “(B) promote personal and social responsi-
 7 bility among at-risk youth;

8 “(C) increase participation by at-risk youth
 9 in, and enhance the ability of at-risk youth to
 10 benefit from, elementary and secondary edu-
 11 cation;

12 “(D) discourage the use of illegal drugs,
 13 violence, and dangerous weapons by at-risk
 14 youth, and discourage other criminal activity;

15 “(E) discourage involvement of at-risk
 16 youth in gangs; or

17 “(F) encourage at-risk youth to participate
 18 in community service and community activities.

19 “(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

20 “(1) DEFINITIONS.—In this subsection:

21 “(A) FAMILY-TO-FAMILY MENTORING PRO-
 22 GRAM.—The term ‘family-to-family mentoring
 23 program’ means a mentoring program that—

24 “(i) utilizes a 2-tier mentoring ap-
 25 proach that matches volunteer families

1 with at-risk families allowing parents to
 2 work directly with parents and children to
 3 work directly with children; and

4 “(ii) has an after-school program for
 5 volunteer and at-risk families.

6 “(B) POSITIVE ALTERNATIVES PRO-
 7 GRAM.—The term ‘positive alternatives pro-
 8 gram’ means a positive youth development and
 9 family-to-family mentoring program that em-
 10 phasizes drug and gang prevention components.

11 “(C) QUALIFIED POSITIVE ALTERNATIVES
 12 PROGRAM.—The term ‘qualified positive alter-
 13 natives program’ means a positive alternatives
 14 program that has established a family-to-family
 15 mentoring program, as of the date of enactment
 16 of the Juvenile Crime Prevention and Control
 17 Act of 2001.

18 “(2) AUTHORITY.—The Administrator shall
 19 make and enter into contracts with a qualified posi-
 20 tive alternatives program.

21 **“SEC. 254. REGULATIONS AND GUIDELINES.**

22 “(a) PROGRAM GUIDELINES.—To implement this
 23 part, the Administrator shall issue program guidelines
 24 which shall be effective only after a period for public notice
 25 and comment.

1 “(b) MODEL SCREENING GUIDELINES.—The Admin-
2 istrator shall develop and distribute to program partici-
3 pants specific model guidelines for the screening of pro-
4 spective program mentors.

5 **“SEC. 255. USE OF GRANTS.**

6 “(a) PERMITTED USES.—Grants awarded under this
7 part shall be used to implement mentoring programs,
8 including—

9 “(1) the hiring of mentoring coordinators and
10 support staff;

11 “(2) the recruitment, screening, and training of
12 adult mentors;

13 “(3) the reimbursement of mentors for reason-
14 able incidental expenditures, such as transportation,
15 that are directly associated with mentoring; and

16 “(4) such other purposes as the Administrator
17 may reasonably prescribe by regulation.

18 “(b) PROHIBITED USES.—Grants awarded pursuant
19 to this part shall not be used—

20 “(1) to directly compensate mentors, except as
21 provided pursuant to subsection (a)(3);

22 “(2) to obtain educational or other materials or
23 equipment that would otherwise be used in the ordi-
24 nary course of the operations of the grantee;

25 “(3) to support litigation of any kind; or

1 “(4) for any other purpose reasonably prohib-
2 ited by the Administrator by regulation.

3 **“SEC. 256. PRIORITY.**

4 “(a) IN GENERAL.—In making grants under this
5 part, the Administrator shall give priority for awarding
6 grants to applicants that—

7 “(1) serve at-risk youth in high crime areas;

8 “(2) have 60 percent or more of the youth eligi-
9 ble to receive funds under the Elementary and Sec-
10 ondary Education Act of 1965; and

11 “(3) have a considerable number of youths who
12 drop out of school each year.

13 “(b) OTHER CONSIDERATIONS.—In making grants
14 under this part, the Administrator shall give consideration
15 to—

16 “(1) the geographic distribution (urban and
17 rural) of applications;

18 “(2) the quality of a mentoring plan,
19 including—

20 “(A) the resources, if any, that will be
21 dedicated to providing participating youth with
22 opportunities for job training or postsecondary
23 education; and

24 “(B) the degree to which parents, teachers,
25 community-based organizations, and the local

1 community participate in the design and imple-
2 mentation of the mentoring plan; and

3 “(3) the capability of the applicant to effectively
4 implement the mentoring plan.

5 **“SEC. 257. APPLICATIONS.**

6 “An application for assistance under this part shall
7 include—

8 “(1) information on the youth expected to be
9 served by the program;

10 “(2) a provision for a mechanism for matching
11 youth with mentors based on the needs of the youth;

12 “(3) an assurance that no mentor or mentoring
13 family will be assigned a number of youths that
14 would undermine the ability of that mentor to be an
15 effective mentor and ensure a one-to-one relationship
16 with mentored youths;

17 “(4) an assurance that projects operated in sec-
18 ondary schools will provide the youth with a variety
19 of experiences and support, including—

20 “(A) an opportunity to spend time in a
21 work environment and, when possible, partici-
22 pate in the work environment;

23 “(B) an opportunity to witness the job
24 skills that will be required for the youth to ob-
25 tain employment upon graduation;

1 “(C) assistance with homework assign-
2 ments; and

3 “(D) exposure to experiences that the
4 youth might not otherwise encounter;

5 “(5) an assurance that projects operated in ele-
6 mentary schools will provide the youth with—

7 “(A) academic assistance;

8 “(B) exposure to new experiences and ac-
9 tivities that the youth may not otherwise en-
10 counter; and

11 “(C) emotional support;

12 “(6) an assurance that projects will be mon-
13 itored to ensure that each youth benefits from a
14 mentor relationship, and will include a provision for
15 a new mentor assignment if the relationship is not
16 beneficial to the youth;

17 “(7) the method by which a mentor and a youth
18 will be recruited to the project;

19 “(8) the method by which a prospective mentor
20 will be screened; and

21 “(9) the training that will be provided to a
22 mentor.

23 **“SEC. 258. GRANT CYCLES.**

24 “Each grant under this part shall be made for a 3-
25 year period.

1 **“SEC. 259. FAMILY MENTORING PROGRAM.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) COOPERATIVE EXTENSION SERVICES.—

4 The term ‘cooperative extension services’ has the
5 meaning given that term in section 1404 of the Na-
6 tional Agricultural Research, Extension, and Teach-
7 ing Policy Act of 1977 (7 U.S.C. 3103).

8 “(2) FAMILY MENTORING PROGRAM.—The term
9 ‘family mentoring program’ means a mentoring pro-
10 gram that—

11 “(A) utilizes a 2-tier mentoring approach
12 that uses college age or young adult mentors
13 working directly with at-risk youth and uses re-
14 tirement-age couples working with the parents
15 and siblings of at-risk youth; and

16 “(B) has a local advisory board to provide
17 direction and advice to program administrators.

18 “(3) QUALIFIED COOPERATIVE EXTENSION
19 SERVICE.—The term ‘qualified cooperative extension
20 service’ means a cooperative extension service that
21 has established a family mentoring program, as of
22 the date of enactment of the Juvenile Crime Preven-
23 tion and Control Act of 2001.

24 “(b) MODEL PROGRAM.—The Administrator, in co-
25 operation with the Secretary of Agriculture, shall make
26 a grant to a qualified cooperative extension service for the

1 purpose of expanding and replicating family mentoring
 2 programs to reduce the incidence of juvenile crime and
 3 delinquency among at-risk youth.

4 “(c) ESTABLISHMENT OF NEW FAMILY MENTORING
 5 PROGRAMS.—

6 “(1) IN GENERAL.—The Administrator, in co-
 7 operation with the Secretary of Agriculture, may
 8 make 1 or more grants to cooperative extension serv-
 9 ices for the purpose of establishing family mentoring
 10 programs to reduce the incidence of juvenile crime
 11 and delinquency among at-risk youth.

12 “(2) MATCHING REQUIREMENT AND SOURCE OF
 13 MATCHING FUNDS.—

14 “(A) IN GENERAL.—The amount of a
 15 grant under this subsection may not exceed 35
 16 percent of the total costs of the program funded
 17 by the grant.

18 “(B) SOURCE OF MATCH.—Matching funds
 19 for grants under this subsection may be derived
 20 from amounts made available to a State under
 21 subsections (b) and (c) of section 3 of the
 22 Smith-Lever Act (7 U.S.C. 343), except that
 23 the total amount derived from Federal sources
 24 may not exceed 70 percent of the total cost of
 25 the program funded by the grant.

1 **“PART F—ADMINISTRATIVE PROVISIONS**

2 **“SEC. 261. AUTHORIZATION OF APPROPRIATIONS.**

3 “(a) IN GENERAL.—There is authorized to be appro-
4 priated to carry out this title, and to carry out part R
5 of title I of the Omnibus Crime Control and Safe Streets
6 Act of 1968 (42 U.S.C. 3796ee et seq.), \$1,065,000,000
7 for each of fiscal years 2002 through 2007.

8 “(b) ALLOCATION OF APPROPRIATIONS.—Of the
9 amount made available under subsection (a) for each fiscal
10 year—

11 “(1) \$500,000,000 shall be for programs under
12 sections 1801 and 1803 of part R of title I of the
13 Omnibus Crime Control and Safe Streets Act of
14 1968 (42 U.S.C. 3796ee et seq.);

15 “(2) \$75,000,000 shall be for grants for juve-
16 nile criminal history records upgrades pursuant to
17 section 1802 of part R of title I of the Omnibus
18 Crime Control and Safe Streets Act of 1968 (42
19 U.S.C. 3796ee–1);

20 “(3) \$250,000,000 shall be for programs under
21 section 204 of part A of this title;

22 “(4) \$200,000,000 shall be for programs under
23 part B of this title;

24 “(5) \$20,000,000 shall be for programs under
25 parts C and D of this title; and

1 “(6) \$20,000,000 shall be for programs under
2 part E of this title, of which \$3,000,000 shall be for
3 programs under section 259.

4 “(c) SOURCE OF SUMS.—Amounts authorized to be
5 appropriated pursuant to this section may be derived from
6 the Violent Crime Reduction Trust Fund.

7 “(d) ADMINISTRATION AND OPERATIONS.—There is
8 authorized to be appropriated for the administration and
9 operation of the Office of Juvenile Crime Control and Pre-
10 vention such sums as may be necessary for each of fiscal
11 years 2002 through 2007.

12 “(e) AVAILABILITY OF FUNDS.—Amounts made
13 available pursuant to this section and allocated in accord-
14 ance with this title in any fiscal year shall remain available
15 until expended.

16 **“SEC. 262. ADMINISTRATIVE PROVISIONS.**

17 “(a) AUTHORITY OF ADMINISTRATOR.—The Office
18 shall be administered by the Administrator under the gen-
19 eral authority of the Attorney General.

20 “(b) APPLICABILITY OF CERTAIN CRIME CONTROL
21 PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c),
22 812(a), 812(b), and 812(d) of the Omnibus Crime Control
23 and Safe Streets Act of 1968 (42 U.S.C. 3789d(c),
24 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), and
25 3789g(d)) shall apply with respect to the administration

1 of and compliance with this title, except that for purposes
 2 of this Act—

3 “(1) any reference to the Office of Justice Pro-
 4 grams in such sections shall be considered to be a
 5 reference to the Assistant Attorney General who
 6 heads the Office of Justice Programs; and

7 “(2) the term ‘this title’ as it appears in such
 8 sections shall be considered to be a reference to this
 9 title.

10 “(c) APPLICABILITY OF CERTAIN OTHER CRIME
 11 CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806
 12 of the Omnibus Crime Control and Safe Streets Act of
 13 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply
 14 with respect to the administration of and compliance with
 15 this title, except that, for purposes of this title—

16 “(1) any reference to the Attorney General, the
 17 Assistant Attorney General who heads the Office of
 18 Justice Programs, the Director of the National In-
 19 stitute of Justice, the Director of the Bureau of Jus-
 20 tice Statistics, or the Director of the Bureau of Jus-
 21 tice Assistance shall be considered to be a reference
 22 to the Administrator;

23 “(2) any reference to the Office of Justice Pro-
 24 grams, the Bureau of Justice Assistance, the Na-
 25 tional Institute of Justice, or the Bureau of Justice

1 Statistics shall be considered to be a reference to the
 2 Office of Juvenile Crime Control and Prevention;
 3 and

4 “(3) the term ‘this title’ as it appears in those
 5 sections shall be considered to be a reference to this
 6 title.

7 “(d) RULES, REGULATIONS, AND PROCEDURES.—
 8 The Administrator may, after appropriate consultation
 9 with representatives of States and units of local govern-
 10 ment, and an opportunity for notice and comment in ac-
 11 cordance with subchapter II of chapter 5 of title 5, United
 12 States Code, establish such rules, regulations, and proce-
 13 dures as are necessary for the exercise of the functions
 14 of the Office and as are consistent with the purpose of
 15 this Act.

16 “(e) WITHHOLDING.—The Administrator shall ini-
 17 tiate such proceedings as the Administrator determines to
 18 be appropriate if the Administrator, after giving reason-
 19 able notice and opportunity for hearing to a recipient of
 20 financial assistance under this title, finds that—

21 “(1) the program or activity for which the
 22 grant or contract involved was made has been so
 23 changed that the program or activity no longer com-
 24 plies with this title; or

1 “(2) in the operation of such program or activ-
 2 ity there is failure to comply substantially with any
 3 provision of this title.”.

4 (b) REPEAL.—Title V of the Juvenile Justice and De-
 5 linquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.)
 6 is repealed.

7 **SEC. 103. JUVENILE OFFENDER ACCOUNTABILITY.**

8 (a) GRANT PROGRAM.—Part R of title I of the Omni-
 9 bus Crime Control and Safe Streets Act of 1968 (42
 10 U.S.C. 3796ee et seq.) is amended to read as follows:

11 **“PART R—JUVENILE ACCOUNTABILITY BLOCK**
 12 **GRANTS**

13 **“SEC. 1801. PROGRAM AUTHORIZED.**

14 “(a) IN GENERAL.—The Attorney General is author-
 15 ized to provide grants to States, for use by States and
 16 units of local government, and in certain cases directly to
 17 specially qualified units.

18 “(b) AUTHORIZED ACTIVITIES.—Amounts paid to a
 19 State or a unit of local government under this part shall
 20 be used by the State or unit of local government for the
 21 purpose of strengthening the juvenile justice system,
 22 which includes—

23 “(1) developing, implementing, and admin-
 24 istering graduated sanctions for juvenile offenders;

1 “(2) building, expanding, renovating, or oper-
2 ating temporary or permanent juvenile correction,
3 detention, or community corrections facilities;

4 “(3) hiring juvenile court judges, probation offi-
5 cers, and court-appointed defenders and special ad-
6 vocates, and funding pretrial services for juvenile of-
7 fenders, to promote the effective and expeditious ad-
8 ministration of the juvenile justice system;

9 “(4) hiring additional prosecutors, so that more
10 cases involving violent juvenile offenders can be
11 prosecuted and case backlogs reduced;

12 “(5) providing funding to enable prosecutors to
13 address drug, gang, and youth violence problems
14 more effectively and for technology, equipment, and
15 training to assist prosecutors in identifying and ex-
16 pediting the prosecution of violent juvenile offenders;

17 “(6) establishing and maintaining training pro-
18 grams for law enforcement and other court per-
19 sonnel with respect to preventing and controlling ju-
20 venile crime;

21 “(7) establishing juvenile gun courts for the
22 prosecution and adjudication of juvenile firearms of-
23 fenders;

24 “(8) establishing drug court programs for juve-
25 nile offenders that provide continuing judicial super-

1 vision over juvenile offenders with substance abuse
2 problems and the integrated administration of other
3 sanctions and services for such offenders;

4 “(9) establishing and maintaining a system of
5 juvenile records designed to promote public safety;

6 “(10) establishing and maintaining interagency
7 information-sharing programs that enable the juve-
8 nile and criminal justice system, schools, and social
9 services agencies to make more informed decisions
10 regarding the early identification, control, super-
11 vision, and treatment of juveniles who repeatedly
12 commit serious delinquent or criminal acts;

13 “(11) establishing and maintaining account-
14 ability-based programs designed to reduce recidivism
15 among juveniles who are referred by law enforce-
16 ment personnel or agencies;

17 “(12) establishing and maintaining programs to
18 conduct risk and need assessments of juvenile of-
19 fenders that facilitate the effective early intervention
20 and the provision of comprehensive services, includ-
21 ing mental health screening and treatment and sub-
22 stance abuse testing and treatment to such offend-
23 ers;

1 “(13) establishing and maintaining account-
2 ability-based programs that are designed to enhance
3 school safety;

4 “(14) establishing and maintaining restorative
5 justice programs;

6 “(15) establishing and maintaining programs to
7 enable juvenile courts and juvenile probation officers
8 to be more effective and efficient in holding juvenile
9 offenders accountable and reducing recidivism; and

10 “(16) hiring detention and corrections per-
11 sonnel, and establishing and maintaining training
12 programs for such personnel to improve facility
13 practices and programming.

14 “(c) DEFINITION.—In this section the term ‘restora-
15 tive justice program’ means—

16 “(1) a program that emphasizes the moral ac-
17 countability of an offender toward the victim and the
18 affected community; and

19 “(2) may include community reparations
20 boards, restitution (in the form of monetary pay-
21 ment or service to the victim or, where no victim can
22 be identified, service to the affected community),
23 and mediation between victim and offender.

1 **“SEC. 1802. GRANT ELIGIBILITY.**

2 “(a) STATE ELIGIBILITY.—To be eligible to receive
3 a grant under this part, a State shall submit to the Attor-
4 ney General an application at such time, in such form,
5 and containing such assurances and information as the
6 Attorney General may require by guidelines, including—

7 “(1) information about—

8 “(A) the activities proposed to be carried
9 out with such grant; and

10 “(B) the criteria by which the State pro-
11 poses to assess the effectiveness of such activi-
12 ties on achieving the purposes of this part; and

13 “(2) assurances that the State and any unit of
14 local government to which the State provides fund-
15 ing under section 1803(b), has in effect (or shall
16 have in effect, not later than 1 year after the date
17 that the State submits such application) laws, or has
18 implemented (or shall implement, not later than 1
19 year after the date that the State submits such ap-
20 plication) policies and programs, that provide for a
21 system of graduated sanctions described in sub-
22 section (c).

23 “(b) LOCAL ELIGIBILITY.—

24 “(1) SUBGRANT ELIGIBILITY.—To be eligible to
25 receive a subgrant, a unit of local government, other

1 than a specially qualified unit, shall provide to the
2 State—

3 “(A) information about—

4 “(i) the activities proposed to be car-
5 ried out with such subgrant; and

6 “(ii) the criteria by which the unit
7 proposes to assess the effectiveness of such
8 activities on achieving the purposes of this
9 part; and

10 “(B) such assurances as the State shall re-
11 quire, that, to the maximum extent applicable,
12 the unit of local government has in effect (or
13 shall have in effect, not later than 1 year after
14 the date that the unit submits such application)
15 laws, or has implemented (or shall implement,
16 not later than 1 year after the date that the
17 unit submits such application) policies and pro-
18 grams, that provide for a system of graduated
19 sanctions described in subsection (c).

20 “(2) SPECIAL RULE.—The requirements of
21 paragraph (1) shall apply to a specially qualified
22 unit that receives funds from the Attorney General
23 under section 1803(e), except that information that
24 is otherwise required to be submitted to the State
25 shall be submitted to the Attorney General.

1 “(c) GRADUATED SANCTIONS.—A system of grad-
 2 uated sanctions, which may be discretionary as provided
 3 in subsection (d), shall ensure, at a minimum, that—

4 “(1) sanctions are imposed on a juvenile of-
 5 fender for each delinquent offense;

6 “(2) sanctions escalate in intensity with each
 7 subsequent, more serious delinquent offense;

8 “(3) there is sufficient flexibility to allow for in-
 9 dividualized sanctions and services suited to the indi-
 10 vidual juvenile offender; and

11 “(4) appropriate consideration is given to public
 12 safety and victims of crime.

13 “(d) DISCRETIONARY USE OF SANCTIONS.—

14 “(1) VOLUNTARY PARTICIPATION.—A State or
 15 unit of local government may be eligible to receive
 16 a grant under this part if—

17 “(A) its system of graduated sanctions is
 18 discretionary; and

19 “(B) it demonstrates that it has promoted
 20 the use of a system of graduated sanctions by
 21 taking steps to encourage implementation of
 22 such a system by juvenile courts.

23 “(2) REPORTING REQUIREMENT IF GRADUATED
 24 SANCTIONS NOT USED.—

“(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

“(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

“(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

“(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

“(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts

1 that use a discretionary system of graduated
 2 sanctions shall collect the information reported
 3 under subparagraph (A) for submission to the
 4 Attorney General each year. A State shall also
 5 collect and submit to the Attorney General the
 6 information collected under subparagraph (B).

7 “(e) DEFINITIONS.—In this section:

8 “(1) DISCRETIONARY.—The term ‘discre-
 9 tionary’ means that a system of graduated sanctions
 10 is not required to be imposed by each and every ju-
 11 venile court in a State or unit of local government.

12 “(2) SANCTIONS.—The term ‘sanctions’ means
 13 tangible, proportional consequences that hold the ju-
 14 venile offender accountable for the offense com-
 15 mitted. A sanction may include counseling, restituti-
 16 tion, community service, a fine, supervised proba-
 17 tion, or confinement.

18 **“SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.**

19 “(a) STATE ALLOCATION.—

20 “(1) IN GENERAL.—In accordance with regula-
 21 tions promulgated pursuant to this part and except
 22 as provided in paragraph (3), the Attorney General
 23 shall allocate—

24 “(A) 0.25 percent for each State; and

1 “(B) of the total funds remaining after the
 2 allocation under subparagraph (A), to each
 3 State, an amount which bears the same ratio to
 4 the amount of remaining funds described in this
 5 subparagraph as the population of people under
 6 the age of 18 living in such State for the most
 7 recent calendar year in which such data is
 8 available bears to the population of people
 9 under the age of 18 of all the States for such
 10 fiscal year.

11 “(2) PROHIBITION.—No funds allocated to a
 12 State under this subsection or received by a State
 13 for distribution under subsection (b) may be distrib-
 14 uted by the Attorney General or by the State in-
 15 volved for any program other than a program con-
 16 tained in an approved application.

17 “(b) LOCAL DISTRIBUTION.—

18 “(1) IN GENERAL.—Except as provided in para-
 19 graph (2), each State which receives funds under
 20 subsection (a)(1) in a fiscal year shall distribute
 21 among units of local government, for the purposes
 22 specified in section 1801, not less than 75 percent
 23 of such amounts received.

24 “(2) WAIVER.—The percentage referred to in
 25 paragraph (1) shall equal the percentage determined

1 by subtracting the State percentage from 100 per-
 2 cent, if a State submits to the Attorney General an
 3 application for waiver that demonstrates and cer-
 4 tifies to the Attorney General that—

5 “(A) the State’s juvenile justice expendi-
 6 tures in the fiscal year preceding the date in
 7 which an application is submitted under this
 8 part (the ‘State percentage’) is more than 25
 9 percent of the aggregate amount of juvenile jus-
 10 tice expenditures by the State and its eligible
 11 units of local government; and

12 “(B) the State has consulted with as many
 13 units of local government in such State, or or-
 14 ganizations representing such units, as prac-
 15 ticable regarding the State’s calculation of ex-
 16 penditures under subparagraph (A), the State’s
 17 application for waiver under this paragraph,
 18 and the State’s proposed uses of funds.

19 “(3) ALLOCATION.—In making the distribution
 20 under paragraph (1), the State shall allocate to such
 21 units of local government an amount which bears
 22 the same ratio to the aggregate amount of such
 23 funds as—

24 “(A) the sum of—

25 “(i) the product of—

1 “(I) three-quarters; multiplied by

2 “(II) the average juvenile justice
3 expenditure for such unit of local gov-
4 ernment for the 3 most recent cal-
5 endar years for which such data is
6 available; plus

7 “(ii) the product of—

8 “(I) one-quarter; multiplied by

9 “(II) the average annual number
10 of part 1 violent crimes in such unit
11 of local government for the 3 most re-
12 cent calendar years for which such
13 data is available, bears to—

14 “(B) the sum of the products determined
15 under subparagraph (A) for all such units of
16 local government in the State.

17 “(4) EXPENDITURES.—The allocation any unit
18 of local government shall receive under paragraph
19 (3) for a payment period shall not exceed 100 per-
20 cent of juvenile justice expenditures of the unit for
21 such payment period.

22 “(5) REALLOCATION.—The amount of any unit
23 of local government’s allocation that is not available
24 to such unit by operation of paragraph (4) shall be
25 available to other units of local government that are

1 not affected by such operation in accordance with
2 this subsection.

3 “(c) UNAVAILABILITY OF DATA FOR UNITS OF
4 LOCAL GOVERNMENT.—If the State has reason to believe
5 that the reported rate of part 1 violent crimes or juvenile
6 justice expenditures for a unit of local government is in-
7 sufficient or inaccurate, the State shall—

8 “(1) investigate the methodology used by the
9 unit to determine the accuracy of the submitted
10 data; and

11 “(2) if necessary, use the best available com-
12 parable data regarding the number of violent crimes
13 or juvenile justice expenditures for the relevant years
14 for the unit of local government.

15 “(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS
16 THAN \$10,000.—If under this section a unit of local gov-
17 ernment is allocated less than \$10,000 for a payment pe-
18 riod, the amount allotted shall be expended by the State
19 on services to units of local government whose allotment
20 is less than such amount in a manner consistent with this
21 part.

22 “(e) DIRECT GRANTS TO SPECIALLY QUALIFIED
23 UNITS.—

24 “(1) IN GENERAL.—If a State does not qualify
25 or apply for funds reserved for allocation under sub-

1 section (a) by the application deadline established by
2 the Attorney General, the Attorney General shall re-
3 serve not more than 75 percent of the allocation that
4 the State would have received under subsection (a)
5 for such fiscal year to provide grants to specially
6 qualified units which meet the requirements for
7 funding under section 1802.

8 “(2) AWARD BASIS.—In addition to the quali-
9 fication requirements for direct grants for specially
10 qualified units the Attorney General may use the av-
11 erage amount allocated by the States to units of
12 local government as a basis for awarding grants
13 under this section.

14 **“SEC. 1804. GUIDELINES.**

15 “(a) IN GENERAL.—The Attorney General shall issue
16 guidelines establishing procedures under which a State or
17 unit of local government that receives funds under section
18 1803 is required to provide notice to the Attorney General
19 regarding the proposed use of funds made available under
20 this part.

21 “(b) ADVISORY BOARD.—

22 “(1) IN GENERAL.—The guidelines referred to
23 in subsection (a) shall include a requirement that
24 such eligible State or unit of local government estab-

1 lish and convene an advisory board to review the
2 proposed uses of such funds.

3 “(2) MEMBERSHIP.—The board shall include
4 representation from, if appropriate—

5 “(A) the State or local police department;

6 “(B) the local sheriff’s department;

7 “(C) the State or local prosecutor’s office;

8 “(D) the State or local juvenile court;

9 “(E) the State or local probation officer;

10 “(F) the State or local educational agency;

11 “(G) a State or local social service agency;

12 “(H) a nonprofit, nongovernmental victim
13 advocacy organization; and

14 “(I) a nonprofit, religious, or community
15 group.

16 **“SEC. 1805. PAYMENT REQUIREMENTS.**

17 “(a) TIMING OF PAYMENTS.—The Attorney General
18 shall pay to each State or unit of local government that
19 receives funds under section 1803 that has submitted an
20 application under this part not later than the later of—

21 “(1) 180 days after the date that the amount
22 is available, or

23 “(2) the first day of the payment period if the
24 State has provided the Attorney General with the as-
25 surances required by subsection (c).

1 “(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

2 “(1) REPAYMENT REQUIRED.—From amounts
3 awarded under this part, a State or specially quali-
4 fied unit shall repay to the Attorney General, before
5 the expiration of the 36-month period beginning on
6 the date of the award, any amount that is not ex-
7 pended by such State or unit.

8 “(2) EXTENSION.—The Attorney General may
9 adopt policies and procedures providing for a one-
10 time extension, by not more than 12 months, of the
11 period referred to in paragraph (1).

12 “(3) PENALTY FOR FAILURE TO REPAY.—If the
13 amount required to be repaid is not repaid, the At-
14 torney General shall reduce payment in future pay-
15 ment periods accordingly.

16 “(4) DEPOSIT OF AMOUNTS REPAID.—Amounts
17 received by the Attorney General as repayments
18 under this subsection shall be deposited in a des-
19 ignated fund for future payments to States and spe-
20 cially qualified units.

21 “(c) ADMINISTRATIVE COSTS.—A State or unit of
22 local government that receives funds under this part may
23 use not more than 5 percent of such funds to pay for ad-
24 ministrative costs.

1 “(d) NONSUPPLANTING REQUIREMENT.—Funds
 2 made available under this part to States and units of local
 3 government shall not be used to supplant State or local
 4 funds as the case may be, but shall be used to increase
 5 the amount of funds that would, in the absence of funds
 6 made available under this part, be made available from
 7 State or local sources, as the case may be.

8 “(e) MATCHING FUNDS.—

9 “(1) IN GENERAL.—The Federal share of a
 10 grant received under this part may not exceed 90
 11 percent of the total program costs.

12 “(2) CONSTRUCTION OF FACILITIES.—Notwith-
 13 standing paragraph (1), with respect to the cost of
 14 constructing juvenile detention or correctional facili-
 15 ties, the Federal share of a grant received under this
 16 part may not exceed 50 percent of approved cost.

17 **“SEC. 1806. UTILIZATION OF PRIVATE SECTOR.**

18 “Funds or a portion of funds allocated under this
 19 part may be used by a State or unit of local government
 20 that receives a grant under this part to contract with pri-
 21 vate, nonprofit entities, or community-based organizations
 22 to carry out the purposes specified under section 1801(b).

23 **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

24 “(a) IN GENERAL.—A State or specially qualified
 25 unit that receives funds under this part shall—

1 “(1) establish a trust fund in which the govern-
 2 ment will deposit all payments received under this
 3 part;

4 “(2) use amounts in the trust fund (including
 5 interest) during the period specified in section
 6 1805(b)(1) and any extension of that period under
 7 section 1805(b)(2);

8 “(3) designate an official of the State or spe-
 9 cially qualified unit to submit reports as the Attor-
 10 ney General reasonably requires, in addition to the
 11 annual reports required under this part; and

12 “(4) spend the funds only for the purposes
 13 under section 1801(b).

14 “(b) TITLE I PROVISIONS.—Except as otherwise pro-
 15 vided, the administrative provisions of part H shall apply
 16 to this part and for purposes of this section any reference
 17 in such provisions to title I shall be deemed to include
 18 a reference to this part.

19 **“SEC. 1808. ASSESSMENT REPORTS.**

20 “(a) REPORTS TO ATTORNEY GENERAL.—

21 “(1) IN GENERAL.—Except as provided in para-
 22 graph (2), for each fiscal year for which a grant or
 23 subgrant is awarded under this part, each State or
 24 unit of local government that receives such a grant
 25 or subgrant shall submit to the Attorney General a

1 report, at such time and in such manner as the At-
2 torney General may reasonably require, which report
3 shall include—

4 “(A) a summary of the activities carried
5 out with such grant or subgrant; and

6 “(B) an assessment of the effectiveness of
7 such activities on achieving the purposes of this
8 part.

9 “(2) WAIVERS.—The Attorney General may
10 waive the requirement of an assessment in para-
11 graph (1)(B) for a State or unit of local government
12 if the Attorney General determines that—

13 “(A) the nature of the activities are such
14 that assessing their effectiveness would not be
15 practical or insightful;

16 “(B) the amount of the grant or subgrant
17 is such that carrying out the assessment would
18 not be an effective use of those amounts; or

19 “(C) the resources available to the State or
20 unit are such that carrying out the assessment
21 would pose a financial hardship on the State or
22 unit.

23 “(b) REPORTS TO CONGRESS.—Not later than 90
24 days after the last day of each fiscal year for which 1 or
25 more grants are awarded under this part, the Attorney

1 General shall submit to the Congress a report, which shall
2 include—

3 “(1) a summary of the information provided
4 under subsection (a);

5 “(2) the assessment of the Attorney General of
6 the grant program carried out under this part; and

7 “(3) such other information as the Attorney
8 General considers appropriate.

9 **“SEC. 1809. DEFINITIONS.**

10 “In this part:

11 “(1) UNIT OF LOCAL GOVERNMENT.—The term
12 ‘unit of local government’ means—

13 “(A) a county, township, city, or political
14 subdivision of a county, township, or city, that
15 is a unit of local government as determined by
16 the Secretary of Commerce for general statis-
17 tical purposes;

18 “(B) any law enforcement district or judi-
19 cial enforcement district that—

20 “(i) is established under applicable
21 State law; and

22 “(ii) has the authority, in a manner
23 independent of other State entities, to es-
24 tablish a budget and raise revenues; and

1 “(C) the District of Columbia and the rec-
2 ognized governing body of an Indian tribe or
3 Alaskan Native village that carries out substan-
4 tial governmental duties and powers.

5 “(2) SPECIALLY QUALIFIED UNIT.—The term
6 ‘specially qualified unit’ means a unit of local gov-
7 ernment which may receive funds under this part
8 only in accordance with section 1803(e).

9 “(3) STATE.—The term ‘State’ means any
10 State of the United States, the District of Columbia,
11 the Commonwealth of Puerto Rico, the Virgin Is-
12 lands, American Samoa, Guam, and the Northern
13 Mariana Islands, except that American Samoa,
14 Guam, and the Northern Mariana Islands shall be
15 considered as 1 State and that, for purposes of sec-
16 tion 1803(a), 33 percent of the amounts allocated
17 shall be allocated to American Samoa, 50 percent to
18 Guam, and 17 percent to the Northern Mariana Is-
19 lands.

20 “(4) JUVENILE.—The term ‘juvenile’ means an
21 individual who is 17 years of age or younger.

22 “(5) JUVENILE JUSTICE EXPENDITURES.—The
23 term ‘juvenile justice expenditures’ means expendi-
24 tures in connection with the juvenile justice system,

1 including expenditures in connection with such sys-
 2 tem to carry out—

3 “(A) activities specified in section 1801(b);
 4 and

5 “(B) other activities associated with pros-
 6 ecutorial and judicial services and corrections as
 7 reported to the Bureau of the Census for the
 8 fiscal year preceding the fiscal year for which a
 9 determination is made under this part.

10 “(6) PART 1 VIOLENT CRIMES.—The term ‘part
 11 1 violent crimes’ means murder and nonnegligent
 12 manslaughter, forcible rape, robbery, and aggravated
 13 assault as reported to the Federal Bureau of Inves-
 14 tigation for purposes of the Uniform Crime Reports.

15 **“SEC. 1810. AUTHORIZATION OF APPROPRIATIONS.**

16 “(a) OVERSIGHT ACCOUNTABILITY AND ADMINIS-
 17 TRATION.—

18 “(1) IN GENERAL.—Of the amount authorized
 19 to be appropriated under section 261 of title II of
 20 the Juvenile Justice and Delinquency Prevention Act
 21 of 1974 (42 U.S.C. 5611 et seq.), there shall be
 22 available to the Attorney General, for each of the fis-
 23 cal years 2002 through 2007 (as applicable), to re-
 24 main available until expended—

1 “(A) not more than 2 percent of that
2 amount, for research, evaluation, and dem-
3 onstration consistent with this part;

4 “(B) not more than 1 percent of that
5 amount, for training and technical assistance;
6 and

7 “(C) not more than 1 percent, for adminis-
8 trative costs to carry out the purposes of this
9 part.

10 “(2) OVERSIGHT PLAN.—The Attorney General
11 shall establish and execute an oversight plan for
12 monitoring the activities of grant recipients.

13 “(b) FUNDING SOURCE.—Appropriations for activi-
14 ties authorized in this part may be made from the Violent
15 Crime Reduction Trust Fund.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on the first day of the first
18 fiscal year that begins after the date of the enactment of
19 this Act.

20 (c) TRANSITION OF JUVENILE ACCOUNTABILITY IN-
21 CENTIVE BLOCK GRANTS PROGRAM.—For each grant
22 made from amounts made available for the Juvenile Ac-
23 countability Incentive Block Grants program (as described
24 under the heading “VIOLENT CRIME REDUCTION
25 PROGRAMS, STATE AND LOCAL LAW ENFORCE-

1 MENT ASSISTANCE” in the Department of Justice Ap-
 2 propriations Act, 2000 (as enacted by Public Law 106–
 3 113; 113 Stat. 1537–14)), the grant award shall remain
 4 available to the grant recipient for not more than 36
 5 months after the date of receipt of the grant.

6 **SEC. 104. EXTENSION OF VIOLENT CRIME REDUCTION**
 7 **TRUST FUND.**

8 (a) IN GENERAL.—Section 310001(b) of the Violent
 9 Crime Control and Law Enforcement Act of 1994 (42
 10 U.S.C. 14211) is amended by striking paragraphs (1)
 11 through (5) and inserting the following:

12 “(1) for fiscal year 2002, \$6,025,000,000;
 13 “(2) for fiscal year 2003, \$6,169,000,000;
 14 “(3) for fiscal year 2004, \$6,316,000,000;
 15 “(4) for fiscal year 2005, \$6,458,000,000;
 16 “(5) for fiscal year 2006, \$6,616,000,000; and
 17 “(6) for fiscal year 2007, \$6,774,000,000.”.

18 (b) DISCRETIONARY LIMITS.—Title XXXI of the Vio-
 19 lent Crime Control and Law Enforcement Act of 1994 (42
 20 U.S.C. 14211 et seq.) is amended by inserting after sec-
 21 tion 310001 the following:

22 **“SEC. 310002. DISCRETIONARY LIMITS.**

23 “For the purposes of allocations made for the discre-
 24 tionary category pursuant to section 302(a) of the Con-

1 gressional Budget Act of 1974 (2 U.S.C. 633(a)), the term
2 ‘discretionary spending limit’ means—

3 “(1) with respect to fiscal year 2002—

4 “(A) for the discretionary category,
5 amounts of budget authority and outlays nec-
6 essary to adjust the discretionary spending lim-
7 its to reflect the changes in subparagraph (B)
8 as determined by the Chairman of the Budget
9 Committee; and

10 “(B) for the violent crime reduction cat-
11 egory: \$6,025,000,000 in new budget authority
12 and \$5,718,000,000 in outlays;

13 “(2) with respect to fiscal year 2003—

14 “(A) for the discretionary category,
15 amounts of budget authority and outlays nec-
16 essary to adjust the discretionary spending lim-
17 its to reflect the changes in subparagraph (B)
18 as determined by the Chairman of the Budget
19 Committee; and

20 “(B) for the violent crime reduction cat-
21 egory: \$6,169,000,000 in new budget authority
22 and \$6,020,000,000 in outlays;

23 “(3) with respect to fiscal year 2004—

24 “(A) for the discretionary category,
25 amounts of budget authority and outlays nec-

1 essary to adjust the discretionary spending lim-
2 its to reflect the changes in subparagraph (B)
3 as determined by the Chairman of the Budget
4 Committee; and

5 “(B) for the violent crime reduction cat-
6 egory: \$6,316,000,000 in new budget authority
7 and \$6,161,000,000 in outlays;

8 “(4) with respect to fiscal year 2005—

9 “(A) for the discretionary category,
10 amounts of budget authority and outlays nec-
11 essary to adjust the discretionary spending lim-
12 its to reflect the changes in subparagraph (B)
13 as determined by the Chairman of the Budget
14 Committee; and

15 “(B) for the violent crime reduction cat-
16 egory: \$6,458,000,000 in new budget authority
17 and \$6,303,000,000 in outlays;

18 “(5) with respect to fiscal year 2006—

19 “(A) for the discretionary category,
20 amounts of budget authority and outlays nec-
21 essary to adjust the discretionary spending lim-
22 its to reflect the changes in subparagraph (B)
23 as determined by the Chairman of the Budget
24 Committee; and

1 “(B) for the violent crime reduction cat-
 2 egory: \$6,616,000,000 in new budget authority
 3 and \$6,452,000,000 in outlays; and

4 “(6) with respect to fiscal year 2007—

5 “(A) for the discretionary category,
 6 amounts of budget authority and outlays nec-
 7 essary to adjust the discretionary spending lim-
 8 its to reflect the changes in subparagraph (B)
 9 and determined by the Chairman of the Budget
 10 Committee; and

11 “(B) for the violent crime reduction cat-
 12 egory: \$6,774,000,000 in new budget authority
 13 and \$6,606,000,000 in outlays;

14 as adjusted in accordance with section 251(b) of the Bal-
 15 anced Budget and Emergency Deficit Control Act of 1985
 16 (2 U.S.C. 901(b)) and section 314 of the Congressional
 17 Budget Act of 1974;”.

18 **TITLE II—PROTECTING**
 19 **CHILDREN FROM VIOLENCE**
 20 **Subtitle A—Gun Show Background**
 21 **Checks**

22 **SECTION 201. SHORT TITLE.**

23 This subtitle may be cited as the “Gun Show Back-
 24 ground Check Act of 2001”.

1 **SEC. 202. FINDINGS.**

2 Congress finds that—

3 (1) more than 4,400 traditional gun shows are
4 held annually across the United States, attracting
5 thousands of attendees per show and hundreds of
6 Federal firearms licensees and nonlicensed firearms
7 sellers;

8 (2) traditional gun shows, as well as flea mar-
9 kets and other organized events, at which a large
10 number of firearms are offered for sale by Federal
11 firearms licensees and nonlicensed firearms sellers,
12 form a significant part of the national firearms mar-
13 ket;

14 (3) firearms and ammunition that are exhibited
15 or offered for sale or exchange at gun shows, flea
16 markets, and other organized events move easily in
17 and substantially affect interstate commerce;

18 (4) in fact, even before a firearm is exhibited or
19 offered for sale or exchange at a gun show, flea mar-
20 ket, or other organized event, the gun, its component
21 parts, ammunition, and the raw materials from
22 which it is manufactured have moved in interstate
23 commerce;

24 (5) gun shows, flea markets, and other orga-
25 nized events at which firearms are exhibited or of-
26 fered for sale or exchange, provide a convenient and

1 centralized commercial location at which firearms
2 may be bought and sold anonymously, often without
3 background checks and without records that enable
4 gun tracing;

5 (6) at gun shows, flea markets, and other orga-
6 nized events at which guns are exhibited or offered
7 for sale or exchange, criminals and other prohibited
8 persons obtain guns without background checks and
9 frequently use guns that cannot be traced to later
10 commit crimes;

11 (7) many persons who buy and sell firearms at
12 gun shows, flea markets, and other organized events
13 cross State lines to attend these events and engage
14 in the interstate transportation of firearms obtained
15 at these events;

16 (8) gun violence is a pervasive, national prob-
17 lem that is exacerbated by the availability of guns at
18 gun shows, flea markets, and other organized events;

19 (9) firearms associated with gun shows have
20 been transferred illegally to residents of another
21 State by Federal firearms licensees and nonlicensed
22 firearms sellers, and have been involved in subse-
23 quent crimes including drug offenses, crimes of vio-
24 lence, property crimes, and illegal possession of fire-
25 arms by felons and other prohibited persons; and

1 (10) Congress has the power, under the inter-
 2 state commerce clause and other provisions of the
 3 Constitution of the United States, to ensure, by en-
 4 actment of this subtitle, that criminals and other
 5 prohibited persons do not obtain firearms at gun
 6 shows, flea markets, and other organized events.

7 **SEC. 203. EXTENSION OF BRADY BACKGROUND CHECKS TO**
 8 **GUN SHOWS.**

9 (a) DEFINITIONS.—Section 921(a) of title 18, United
 10 States Code, is amended by adding at the end the fol-
 11 lowing:

12 “(35) GUN SHOW.—The term ‘gun show’ means any
 13 event—

14 “(A) at which 50 or more firearms are offered
 15 or exhibited for sale, transfer, or exchange, if 1 or
 16 more of the firearms has been shipped or trans-
 17 ported in, or otherwise affects, interstate or foreign
 18 commerce; and

19 “(B) at which—

20 “(i) not less than 20 percent of the exhibi-
 21 tors are firearm exhibitors;

22 “(ii) there are not less than 10 firearm ex-
 23 hibitors; or

24 “(iii) 50 or more firearms are offered for
 25 sale, transfer, or exchange.

1 “(36) GUN SHOW PROMOTER.—The term ‘gun show
2 promoter’ means any person who organizes, plans, pro-
3 motes, or operates a gun show.

4 “(37) GUN SHOW VENDOR.—The term ‘gun show
5 vendor’ means any person who exhibits, sells, offers for
6 sale, transfers, or exchanges 1 or more firearms at a gun
7 show, regardless of whether or not the person arranges
8 with the gun show promoter for a fixed location from
9 which to exhibit, sell, offer for sale, transfer, or exchange
10 1 or more firearms.”

11 (b) REGULATION OF FIREARMS TRANSFERS AT GUN
12 SHOWS.—

13 (1) IN GENERAL.—Chapter 44 of title 18,
14 United States Code, is amended by adding at the
15 end the following:

16 **“§ 931. Regulation of firearms transfers at gun shows**

17 “(a) REGISTRATION OF GUN SHOW PROMOTERS.—
18 It shall be unlawful for any person to organize, plan, pro-
19 mote, or operate a gun show unless that person—

20 “(1) registers with the Secretary in accordance
21 with regulations promulgated by the Secretary; and

22 “(2) pays a registration fee, in an amount de-
23 termined by the Secretary.

1 “(b) RESPONSIBILITIES OF GUN SHOW PRO-
2 MOTERS.—It shall be unlawful for any person to organize,
3 plan, promote, or operate a gun show unless that person—

4 “(1) before commencement of the gun show,
5 verifies the identity of each gun show vendor partici-
6 pating in the gun show by examining a valid identi-
7 fication document (as defined in section 1028(d)(1))
8 of the vendor containing a photograph of the vendor;

9 “(2) before commencement of the gun show, re-
10 quires each gun show vendor to sign—

11 “(A) a ledger with identifying information
12 concerning the vendor; and

13 “(B) a notice advising the vendor of the
14 obligations of the vendor under this chapter;
15 and

16 “(3) notifies each person who attends the gun
17 show of the requirements of this chapter, in accord-
18 ance with such regulations as the Secretary shall
19 prescribe; and

20 “(4) maintains a copy of the records described
21 in paragraphs (1) and (2) at the permanent place of
22 business of the gun show promoter for such period
23 of time and in such form as the Secretary shall re-
24 quire by regulation.

1 “(c) RESPONSIBILITIES OF TRANSFERORS OTHER
2 THAN LICENSEES.—

3 “(1) IN GENERAL.—If any part of a firearm
4 transaction takes place at a gun show, it shall be
5 unlawful for any person who is not licensed under
6 this chapter to transfer a firearm to another person
7 who is not licensed under this chapter, unless the
8 firearm is transferred through a licensed importer,
9 licensed manufacturer, or licensed dealer in accord-
10 ance with subsection (e).

11 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
12 son who is subject to the requirement of paragraph
13 (1)—

14 “(A) shall not transfer the firearm to the
15 transferee until the licensed importer, licensed
16 manufacturer, or licensed dealer through which
17 the transfer is made under subsection (e)
18 makes the notification described in subsection
19 (e)(3)(A); and

20 “(B) notwithstanding subparagraph (A),
21 shall not transfer the firearm to the transferee
22 if the licensed importer, licensed manufacturer,
23 or licensed dealer through which the transfer is
24 made under subsection (e) makes the notifica-
25 tion described in subsection (e)(3)(B).

1 “(3) ABSENCE OF RECORDKEEPING REQUIRE-
2 MENTS.—Nothing in this section shall permit or au-
3 thorize the Secretary to impose recordkeeping re-
4 quirements on any nonlicensed vendor.

5 “(d) RESPONSIBILITIES OF TRANSFEREES OTHER
6 THAN LICENSEES.—

7 “(1) IN GENERAL.—If any part of a firearm
8 transaction takes place at a gun show, it shall be
9 unlawful for any person who is not licensed under
10 this chapter to receive a firearm from another per-
11 son who is not licensed under this chapter, unless
12 the firearm is transferred through a licensed im-
13 porter, licensed manufacturer, or licensed dealer in
14 accordance with subsection (e).

15 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
16 son who is subject to the requirement of paragraph
17 (1)—

18 “(A) shall not receive the firearm from the
19 transferor until the licensed importer, licensed
20 manufacturer, or licensed dealer through which
21 the transfer is made under subsection (e)
22 makes the notification described in subsection
23 (e)(3)(A); and

24 “(B) notwithstanding subparagraph (A),
25 shall not receive the firearm from the transferor

1 if the licensed importer, licensed manufacturer,
2 or licensed dealer through which the transfer is
3 made under subsection (e) makes the notifica-
4 tion described in subsection (e)(3)(B).

5 “(e) RESPONSIBILITIES OF LICENSEES.—A licensed
6 importer, licensed manufacturer, or licensed dealer who
7 agrees to assist a person who is not licensed under this
8 chapter in carrying out the responsibilities of that person
9 under subsection (c) or (d) with respect to the transfer
10 of a firearm shall—

11 “(1) enter such information about the firearm
12 as the Secretary may require by regulation into a
13 separate bound record;

14 “(2) record the transfer on a form specified by
15 the Secretary;

16 “(3) comply with section 922(t) as if transfer-
17 ring the firearm from the inventory of the licensed
18 importer, licensed manufacturer, or licensed dealer
19 to the designated transferee (although a licensed im-
20 porter, licensed manufacturer, or licensed dealer
21 complying with this subsection shall not be required
22 to comply again with the requirements of section
23 922(t) in delivering the firearm to the nonlicensed
24 transferor), and notify the nonlicensed transferor
25 and the nonlicensed transferee—

1 “(A) of such compliance; and

2 “(B) if the transfer is subject to the re-
3 quirements of section 922(t)(1), of any receipt
4 by the licensed importer, licensed manufacturer,
5 or licensed dealer of a notification from the na-
6 tional instant criminal background check sys-
7 tem that the transfer would violate section 922
8 or would violate State law;

9 “(4) not later than 10 days after the date on
10 which the transfer occurs, submit to the Secretary a
11 report of the transfer, which report—

12 “(A) shall be on a form specified by the
13 Secretary by regulation; and

14 “(B) shall not include the name of or other
15 identifying information relating to any person
16 involved in the transfer who is not licensed
17 under this chapter;

18 “(5) if the licensed importer, licensed manufac-
19 turer, or licensed dealer assists a person other than
20 a licensee in transferring, at 1 time or during any
21 5 consecutive business days, 2 or more pistols or re-
22 volvers, or any combination of pistols and revolvers
23 totaling 2 or more, to the same nonlicensed person,
24 in addition to the reports required under paragraph

1 (4), prepare a report of the multiple transfers, which
2 report shall be—

3 “(A) prepared on a form specified by the
4 Secretary; and

5 “(B) not later than the close of business
6 on the date on which the transfer occurs, for-
7 warded to—

8 “(i) the office specified on the form
9 described in subparagraph (A); and

10 “(ii) the appropriate State law en-
11 forcement agency of the jurisdiction in
12 which the transfer occurs; and

13 “(6) retain a record of the transfer as part of
14 the permanent business records of the licensed im-
15 porter, licensed manufacturer, or licensed dealer.

16 “(f) RECORDS OF LICENSEE TRANSFERS.—If any
17 part of a firearm transaction takes place at a gun show,
18 each licensed importer, licensed manufacturer, and li-
19 censed dealer who transfers 1 or more firearms to a person
20 who is not licensed under this chapter shall, not later than
21 10 days after the date on which the transfer occurs, sub-
22 mit to the Secretary a report of the transfer, which
23 report—

24 “(1) shall be in a form specified by the Sec-
25 retary by regulation;

1 “(2) shall not include the name of or other
2 identifying information relating to the transferee;
3 and

4 “(3) shall not duplicate information provided in
5 any report required under subsection (e)(4).

6 “(g) FIREARM TRANSACTION DEFINED.—In this sec-
7 tion, the term ‘firearm transaction’—

8 “(1) includes the offer for sale, sale, transfer,
9 or exchange of a firearm; and

10 “(2) does not include the mere exhibition of a
11 firearm.”.

12 (2) PENALTIES.—Section 924(a) of title 18,
13 United States Code, is amended by adding at the
14 end the following:

15 “(7)(A) Whoever knowingly violates section 931(a)
16 shall be fined under this title, imprisoned not more than
17 5 years, or both.

18 “(B) Whoever knowingly violates subsection (b) or (c)
19 of section 931, shall be—

20 “(i) fined under this title, imprisoned not more
21 than 2 years, or both; and

22 “(ii) in the case of a second or subsequent con-
23 viction, such person shall be fined under this title,
24 imprisoned not more than 5 years, or both.

1 “(C) Whoever willfully violates section 931(d), shall
2 be—

3 “(i) fined under this title, imprisoned not more
4 than 2 years, or both; and

5 “(ii) in the case of a second or subsequent con-
6 viction, such person shall be fined under this title,
7 imprisoned not more than 5 years, or both.

8 “(D) Whoever knowingly violates subsection (e) or (f)
9 of section 931 shall be fined under this title, imprisoned
10 not more than 5 years, or both.

11 “(E) In addition to any other penalties imposed
12 under this paragraph, the Secretary may, with respect to
13 any person who knowingly violates any provision of section
14 931—

15 “(i) if the person is registered pursuant to sec-
16 tion 931(a), after notice and opportunity for a hear-
17 ing, suspend for not more than 6 months or revoke
18 the registration of that person under section 931(a);
19 and

20 “(ii) impose a civil fine in an amount equal to
21 not more than \$10,000.”.

22 (3) TECHNICAL AND CONFORMING AMEND-
23 MENTS.—Chapter 44 of title 18, United States
24 Code, is amended—

1 (A) in the chapter analysis, by adding at
2 the end the following:

“931. Regulation of firearms transfers at gun shows.”;

3 and

4 (B) in the first sentence of section 923(j),
5 by striking “a gun show or event” and inserting
6 “an event”; and

7 (c) INSPECTION AUTHORITY.—Section 923(g)(1) is
8 amended by adding at the end the following:

9 “(E) Notwithstanding subparagraph (B), the Sec-
10 retary may enter during business hours the place of busi-
11 ness of any gun show promoter and any place where a
12 gun show is held for the purposes of examining the records
13 required by sections 923 and 931 and the inventory of
14 licensees conducting business at the gun show. Such entry
15 and examination shall be conducted for the purposes of
16 determining compliance with this chapter by gun show
17 promoters and licensees conducting business at the gun
18 show and shall not require a showing of reasonable cause
19 or a warrant.”.

20 (d) INCREASED PENALTIES FOR SERIOUS RECORD-
21 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)
22 of title 18, United States Code, is amended to read as
23 follows:

24 “(3)(A) Except as provided in subparagraph (B), any
25 licensed dealer, licensed importer, licensed manufacturer,

1 or licensed collector who knowingly makes any false state-
 2 ment or representation with respect to the information re-
 3 quired by this chapter to be kept in the records of a person
 4 licensed under this chapter, or violates section 922(m)
 5 shall be fined under this title, imprisoned not more than
 6 1 year, or both.

7 “(B) If the violation described in subparagraph (A)
 8 is in relation to an offense—

9 “(i) under paragraph (1) or (3) of section
 10 922(b), such person shall be fined under this title,
 11 imprisoned not more than 5 years, or both; or

12 “(ii) under subsection (a)(6) or (d) of section
 13 922, such person shall be fined under this title, im-
 14 prisoned not more than 10 years, or both.”.

15 (e) INCREASED PENALTIES FOR VIOLATIONS OF
 16 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

17 (1) PENALTIES.—Section 924(a) of title 18,
 18 United States Code, is amended—

19 (A) in paragraph (5), by striking “sub-
 20 section (s) or (t) of section 922” and inserting
 21 “section 922(s)”; and

22 (B) by adding at the end the following:

23 “(8) Whoever knowingly violates section 922(t) shall
 24 be fined under this title, imprisoned not more than 5
 25 years, or both.”.

1 (2) ELIMINATION OF CERTAIN ELEMENTS OF
2 OFFENSE.—Section 922(t)(5) of title 18, United
3 States Code, is amended by striking “and, at the
4 time” and all that follows through “State law”.

5 (f) GUN OWNER PRIVACY AND PREVENTION OF
6 FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section
7 922(t)(2)(C) of title 18, United States Code, is amended
8 by inserting before the period at the end the following:
9 “, as soon as possible, consistent with the responsibility
10 of the Attorney General under section 103(h) of the Brady
11 Handgun Violence Prevention Act to ensure the privacy
12 and security of the system and to prevent system fraud
13 and abuse, but in no event later than 90 days after the
14 date on which the licensee first contacts the system with
15 respect to the transfer”.

16 (g) EFFECTIVE DATE.—This subtitle and the amend-
17 ments made by this subtitle shall take effect 180 days
18 after the date of enactment of this Act.

19 **Subtitle B—Gun Ban for** 20 **Dangerous Juvenile Offenders**

21 **SEC. 211. PERMANENT PROHIBITION ON FIREARMS TRANS-** 22 **FERS TO OR POSSESSION BY DANGEROUS JU-** 23 **VENILE OFFENDERS.**

24 (a) DEFINITION.—Section 921(a)(20) of title 18,
25 United States Code, is amended—

- 1 (1) by inserting “(A)” after “(20)”;
- 2 (2) by redesignating subparagraphs “(A)” and
- 3 “(B)” as clauses “(i)” and “(ii), respectively”;
- 4 (3) by inserting after subparagraph (A) the fol-
- 5 lowing:

6 “(B) For purposes of subsections (d) and
7 (g) of section 922, the term ‘adjudicated delin-

8 quent’ means an adjudication of delinquency
9 based upon a finding of the commission that an
10 act by a person prior to the eighteenth birthday
11 of that person, if committed by an adult, would
12 be a serious drug offense or violent felony (as
13 defined in section 3559(c)(2) of this title), on
14 or after the date of enactment of this para-

15 graph.”; and

- 16 (4) by striking “What constitutes” through the
- 17 end and inserting the following: “What constitutes a
- 18 conviction of such a crime or an adjudication of de-
- 19 linquency shall be determined in accordance with the
- 20 law of the jurisdiction in which the proceedings were
- 21 held. Any State conviction or adjudication of delin-
- 22 quency which has been expunged or set aside or for
- 23 which a person has been pardoned or has had civil
- 24 rights restored by the jurisdiction in which the con-
- 25 viction or adjudication of delinquency occurred shall

1 be considered a conviction or adjudication of delin-
2 quency unless (i) the expunction, set aside, pardon
3 or restoration of civil rights is directed to a specific
4 person, (ii) the State authority granting the
5 expunction, set aside, pardon or restoration of civil
6 rights has expressly determined that the cir-
7 cumstances regarding the conviction and the per-
8 son's record and reputation are such that the person
9 will not act in a manner dangerous to public safety,
10 and (iii) the expunction, set aside, pardon, or res-
11 toration of civil rights expressly authorizes the per-
12 son to ship, transport, receive or possess firearms.
13 The requirement of this subparagraph for an indi-
14 vidualized restoration of rights shall apply whether
15 or not, under State law, the person's civil rights
16 were taken away by virtue of the conviction or adju-
17 dication.”.

18 (b) PROHIBITION.—Section 922 of title 18, United
19 States Code is amended—

20 (1) in subsection (d)—

21 (A) by striking “or” at the end of para-
22 graph (8);

23 (B) by striking the period at the end of
24 paragraph (9) and inserting “; or;” and

1 (C) by inserting after paragraph (9) the
 2 following:

3 “(10) has been adjudicated delinquent.”; and
 4 (2) in subsection (g)—

5 (A) by striking “or” at the end of para-
 6 graph (8);

7 (B) by striking the comma at the end of
 8 paragraph (9) and inserting “; or”, and

9 (C) by inserting after paragraph (9) the
 10 following:

11 “(10) who has been adjudicated delinquent,”.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated such sums as may be
 14 necessary to carry out this section.

15 **Subtitle C—Child Safety Locks**

16 **SECTION 221. SHORT TITLE.**

17 This subtitle may be cited as the “Child Safety Lock
 18 Act of 2001”.

19 **SEC. 222. REQUIREMENT OF CHILD HANDGUN SAFETY** 20 **LOCKS.**

21 (a) DEFINITIONS.—Section 921(a) of title 18, United
 22 States Code, is amended by adding at the end the fol-
 23 lowing:

24 “(38) The term ‘locking device’ means a device
 25 or locking mechanism—

1 “(A) that—

2 “(i) if installed on a firearm and se-
3 cured by means of a key or a mechanically,
4 electronically, or electromechanically oper-
5 ated combination lock, is designed to pre-
6 vent the firearm from being discharged
7 without first deactivating or removing the
8 device by means of a key or mechanically,
9 electronically, or electromechanically oper-
10 ated combination lock;

11 “(ii) if incorporated into the design of
12 a firearm, is designed to prevent discharge
13 of the firearm by any person who does not
14 have access to the key or other device de-
15 signed to unlock the mechanism and there-
16 by allow discharge of the firearm; or

17 “(iii) is a safe, gun safe, gun case,
18 lock box, or other device that is designed
19 to store a firearm and that is designed to
20 be unlocked only by means of a key, a
21 combination, or other similar means; and

22 “(B) that is approved by a licensed fire-
23 arms manufacturer for use on the handgun
24 with which the device or locking mechanism is
25 sold, delivered, or transferred.”.

1 (b) UNLAWFUL ACTS.—

2 (1) IN GENERAL.—Section 922 of title 18,
3 United States Code, is amended by inserting after
4 subsection (y) the following:

5 “(z) LOCKING DEVICES.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), it shall be unlawful for any licensed man-
8 ufacturer, licensed importer, or licensed dealer to
9 sell, deliver, or transfer any handgun to any person
10 other than a licensed manufacturer, licensed im-
11 porter, or licensed dealer, unless the transferee is
12 provided with a locking device for that handgun.

13 “(2) EXCEPTIONS.—Paragraph (1) does not
14 apply to—

15 “(A) the—

16 “(i) manufacture for, transfer to, or
17 possession by, the United States or a State
18 or a department or agency of the United
19 States, or a State or a department, agency,
20 or political subdivision of a State, of a fire-
21 arm; or

22 “(ii) transfer to, or possession by, a
23 law enforcement officer employed by an en-
24 tity referred to in clause (i) of a firearm

1 for law enforcement purposes (whether on
2 or off duty); or

3 “(B) the transfer to, or possession by, a
4 rail police officer employed by a rail carrier and
5 certified or commissioned as a police officer
6 under the laws of a State of a firearm for pur-
7 poses of law enforcement (whether on or off
8 duty).”.

9 (2) EFFECTIVE DATE.—Section 922(y) of title
10 18, United States Code, as added by this subsection,
11 shall take effect 180 days after the date of enact-
12 ment of this Act.

13 (c) LIABILITY; EVIDENCE.—

14 (1) LIABILITY.—Nothing in this section shall be
15 construed to—

16 (A) create a cause of action against any
17 firearms dealer or any other person for any civil
18 liability; or

19 (B) establish any standard of care.

20 (2) EVIDENCE.—Notwithstanding any other
21 provision of law, evidence regarding compliance or
22 noncompliance with the amendments made by this
23 section shall not be admissible as evidence in any
24 proceeding of any court, agency, board, or other en-

1 tity, except with respect to an action to enforce this
2 section.

3 (3) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to bar a governmental
5 action to impose a penalty under section 924(p) of
6 title 18, United States Code, for a failure to comply
7 with section 922(y) of that title.

8 (d) CIVIL PENALTIES.—Section 924 of title 18,
9 United States Code, is amended—

10 (1) in subsection (a)(1), by striking “or (f)”
11 and inserting “(f), or (p)”; and

12 (2) by adding at the end the following:

13 “(p) PENALTIES RELATING TO LOCKING DEVICES.—

14 “(1) IN GENERAL.—

15 “(A) SUSPENSION OR REVOCATION OF LI-
16 CENSE; CIVIL PENALTIES.—With respect to
17 each violation of section 922(y)(1) by a licensee,
18 the Secretary may, after notice and opportunity
19 for a hearing—

20 “(i) suspend or revoke any license
21 issued to the licensee under this chapter;
22 or

23 “(ii) subject the licensee to a civil
24 penalty in an amount equal to not more
25 than \$10,000.

1 “(B) REVIEW.—An action of the Secretary
 2 under this paragraph may be reviewed only as
 3 provided in section 923(f).

4 “(2) ADMINISTRATIVE REMEDIES.—The sus-
 5 pension or revocation of a license or the imposition
 6 of a civil penalty under paragraph (1) does not pre-
 7 clude any administrative remedy that is otherwise
 8 available to the Secretary.”.

9 **SEC. 223. AMENDMENT OF CONSUMER PRODUCT SAFETY**
 10 **ACT.**

11 (a) IN GENERAL.—The Consumer Product Safety
 12 Act (15 U.S.C. 2051 et seq.) is amended by adding at
 13 the end the following:

14 **“SEC. 38. CHILD HANDGUN SAFETY LOCKS.**

15 “(a) ESTABLISHMENT OF STANDARD.—

16 “(1) IN GENERAL.—

17 “(A) RULEMAKING REQUIRED.—Notwith-
 18 standing section 3(a)(1)(E) of this Act, the
 19 Commission shall initiate a rulemaking pro-
 20 ceeding under section 553 of title 5, United
 21 States Code, within 90 days after the date of
 22 enactment of the Child Safety Lock Act of
 23 2001 to establish a consumer product safety
 24 standard for locking devices. The Commission
 25 may extend the 90-day period for good cause.

1 Notwithstanding any other provision of law, in-
2 cluding chapter 5 of title 5, United States
3 Code, the Commission shall promulgate a final
4 consumer product safety standard under this
5 paragraph within 12 months after the date on
6 which it initiated the rulemaking. The Commis-
7 sion may extend that 12-month period for good
8 cause. The consumer product safety standard
9 promulgated under this paragraph shall take ef-
10 fect 6 months after the date on which the final
11 standard is promulgated.

12 “(B) STANDARD REQUIREMENTS.—The
13 standard promulgated under subparagraph (A)
14 shall require locking devices that—

15 “(i) are sufficiently difficult for chil-
16 dren to deactivate or remove; and

17 “(ii) prevent the discharge of the
18 handgun unless the locking device has been
19 deactivated or removed.

20 “(2) CERTAIN PROVISIONS NOT TO APPLY.—

21 “(A) PROVISIONS OF THIS ACT.—Sections
22 7, 9, and 30(d) of this Act do not apply to the
23 rulemaking proceeding under paragraph (1).
24 Section 11 of this Act does not apply to any

1 consumer product safety standard promulgated
2 under paragraph (1).

3 “(B) CHAPTER 5 OF TITLE 5.—Except for
4 section 553, chapter 5 of title 5, United States
5 Code, does not apply to this section.

6 “(C) CHAPTER 6 OF TITLE 5.—Chapter 6
7 of title 5, United States Code, does not apply
8 to this section.

9 “(D) NATIONAL ENVIRONMENTAL POLICY
10 ACT.—The National Environmental Policy Act
11 of 1969 (42 U.S.C. 4321) does not apply to
12 this section.

13 “(b) NO EFFECT ON STATE LAW.—Notwithstanding
14 section 26 of this Act, this section does not annul, alter,
15 impair, affect, or exempt any person subject to the provi-
16 sions of this section from complying with any provision
17 of the law of any State or any political subdivision of a
18 State, except to the extent that such provisions of State
19 law are inconsistent with any provision of this section, and
20 then only to the extent of the inconsistency. A provision
21 of State law is not inconsistent with this section if such
22 provision affords greater protection to children with re-
23 spect to handguns than is afforded by this section.

24 “(c) ENFORCEMENT.—Notwithstanding subsection
25 (a)(2)(A), the consumer product safety standard promul-

1 gated by the Commission under subsection (a) shall be en-
 2 forced under this Act as if it were a consumer product
 3 safety standard described in section 7(a).

4 “(d) DEFINITIONS.—In this section:

5 “(1) CHILD.—The term ‘child’ means an indi-
 6 vidual who has not attained the age of 13 years.

7 “(2) LOCKING DEVICE.—The term ‘locking de-
 8 vice’ has the meaning given that term in clauses (i)
 9 and (iii) of section 921(a)(38)(A) of title 18, United
 10 States Code.”.

11 (b) CONFORMING AMENDMENT.—Section 1 of the
 12 Consumer Product Safety Act is amended by adding at
 13 the end of the table of contents the following:

“Sec. 38. Child handgun safety locks.”.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 15 are authorized to be appropriated to the Consumer Prod-
 16 uct Safety Commission \$2,000,000 to carry out the provi-
 17 sions of section 38 of the Consumer Product Safety Act,
 18 such sums as necessary to remain available until ex-
 19 pended.

○